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THE
ACTS AND RESOLVES,
PUBLIC AND PRIVATE,
OF THE
PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED

THE CHARTERS OF THE PROVINCE.

WITH

HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX.

PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT
OF THE COMMONWEALTH FOR THE YEAR 1867.

VOLUME VII.,
BEING VOLUME II. OF THE APPENDIX.

CONTAINING
RESOLVES, ETC., 1692-1702.

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ADVERTISEMENT.

The preface to the first volume of the appendix* (volume VI.), which will embrace all the private acts of the province from June, 1692, to October, 1780, will give the plan of arrangement of the resolves in this collection, and the reasons for adopting it, and will explain the appearance of the present volume out of its order in the series.

A. S. WHEELER,
WM. C. WILLIAMSON,
A. C. GOODELL, JR.,
Commissioners.

BOSTON, August, 1892.

* See Province Laws, vol. I., preface, p. xxviii.

PROCLAMATION, ORDERS,
VOTES, RESOLVES,
ETC.,

PASSED 1692-3.

LEGISLATIVE LIST

FOR

1692-3.

HIS EXCELLENCY SIR WILLIAM Phips, Knt.,

CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF IN AND OVER THE PROVINCE OF THE MASSACHUSETTS BAY IN NEW ENGLAND; LIEUTENANT AND COMMANDER-IN-CHIEF OF THE MILITIA, FORCES, FORTS AND PLACES OF STRENGTH WITHIN THE SEVERAL COLONIES OF CONNECTICUT, RHODE ISLAND AND PROVIDENCE PLANTATIONS, THE NARRAGANSETT COUNTRY OR KING'S PROVINCE, AND THE PROVINCE OF NEW HAMPSHIRE; AND VICE-ADMIRAL WITHIN THE PROVINCE AND TERRITORY OF MASSACHUSETTS BAY, AND THE SEA PARTS BELONGING AND ADJOINING THERETO.

WILLIAM STOUGHTON, Esq.,

LIEUTENANT- OR DEPUTY-GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY, AND DEPUTY-LIEUTENANT OF THE MILITIA WITHIN THE WHOLE TERRITORY AND DOMINION OF NEW ENGLAND IN AMERICA.

ISAAC ADDINGTON, Esq.,

SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.*

Of the inhabitants of, or proprietors of, lands within the territory formerly called the Colony of the Massachusetts Bay:—

SIMON BRADSTREET, Esq., †

JOHN RICHARDS, Esq.,

NATHANIEL SALTONSTALL, Esq.,

WAIT WINTHROP, Esq.,

JOHN PHILLIPS, Esq.,

JAMES RUSSELL, Esq.,

SAMUEL SEWALL, Esq.,

SAMUEL APPLETON, Esq.,

BARTHOLOMEW GEDNEY, Esq.,

JOHN HATHORNE, Esq.

* For this year the Lieutenant-Governor sat and acted with the Council as a member, *ex officio*: in subsequent years, he was regularly elected a councillor.

Though this distribution of the councillors is not expressly made in the charter, it is probable that they were selected to represent the several territorial divisions under which they are here grouped. Mason does not appear to have been a proprietor of land in New England at that time, but at a later date he was seized of lands in Massachusetts: Hutchinson thus accounts for his being appointed to the Council: "Mason was a merchant in London, a zealous man in the cause of New England, and I suppose his name was inserted in the charter from mere respect and gratitude, for he never came to New England."—*Hist. Mass., ed. 1795, vol. 2, p. 21, note.*

This last statement appears to be incorrect; for, in the notarial record of John Hayward, of Boston, notary public, in the library of the New England Historic-Genealogical Society, is recorded a power of attorney to Mason from his brother John, in London, dated September 28, 1686, in which the former is described as of "Boston in New England, in parts beyond the seas, merchant." And see Whitman's History of the Ancient and Honorable Artillery Company.

The choice of two councillors at large though regularly made from the beginning, was first recorded in 1701,—one councillor at large having been chosen the previous year. See resolve, 1700-1, chapter 1, note, *post.*

† Bradstreet did not take the qualifying oaths, and never sat in the Council.

ELISHA HUTCHINSON, ESQ.,
ROBERT PIKE, ESQ.,
JONATHAN CORWIN, ESQ.,
JOHN JOYLIFFE, ESQ.,

ADAM WINTHROP, ESQ.,
RICHARD MIDDLECOTT, ESQ.,
JOHN FOSTER, ESQ.,
PETER SERGEANT, ESQ.,

JOSEPH LYNDE, ESQ.

Of the inhabitants of, or proprietors of, lands within the territory formerly called New Plymouth: —

THOMAS HINCKLEY, ESQ., *
WILLIAM BRADFORD, ESQ.,

JOHN WALLEY, ESQ.,
BARNABAS LOTHROP, ESQ.

Of the inhabitants of, or proprietors of, land within the territory formerly called the Province of Maine: —

SAMUEL HAYMAN, ESQ., JOB ALCOCK, ESQ.,
SAMUEL DONNELL, ESQ.

Of the inhabitants of, or proprietors of, land within the territory lying between the river of Sagadahoc and Nova Scotia: —

SILVANUS DAVIS, ESQ.

For the Province, at large: —

STEPHEN MASON, ESQ.*

REPRESENTATIVES OR DEPUTIES.†

June 8, 1692 to March 17, 1692-3.

MR. WILLIAM BOND, SPEAKER.

| COUNTY OF PLYMOUTH. | | COUNTY OF PLYMOUTH — <i>Concluded.</i> | |
|---------------------|---|--|--|
| <i>Plymouth,</i> | Mr. Ephraim Morton, Mr. John Bradford. | <i>Bridgewater,</i> | Mr. David Perkins, Mr. Josiah Edson. |
| <i>Marshfield,</i> | Capt. Nathaniel Thomas, Lient. Isaac Little. | <i>Middleborough,</i> | Mr. John Tomson, Mr. Isaac Howland. |
| <i>Duxbury,</i> | Mr. John Wadsworth, Mr. Edward Southworth ‡ | COUNTY OF ESSEX. | |
| <i>Scituate,</i> | Mr. John Cushing, Mr. Samuel Clap. | <i>Salem,</i> | Capt. John Higginson, Capt. Samuel Gardner. |

* These persons did not take the qualifying oaths, and never sat in the Council.

† By the charter the freeholders and inhabitants of the several "townes or places" in the province were empowered to elect and depute two persons, and no more, to serve for and represent them, respectively, in the General Court; but since, by the same instrument, the legislature was authorized to change this number, advantage was taken of this provision in subsequent years to vary the number and proportion of the deputies.

It has not been found practicable to ascertain how many of the elected deputies, if any, failed to attend; but it is certain that all those whose names are in the above list appeared and subscribed the qualifying oaths at the beginning of the session except Howland, of Middleborough; Baker, of Topsfield; Lane, of Malden; Stevens, of Stow; Henchman, of Dunstable; Barnard, of Deerfield; Thacher, of Yarmouth; Rowley, of Succanesset; Allen, of Dartmouth; Winslow and Gardner, of Freetown; and Gayer, of Nantucket. Nothing has been discovered to show that either of the persons last named acted as representatives during the year.

In the lists as here printed the surnames of the representatives are generally spelled as they appear in the autograph signatures in the archives: the exceptions are noted.

‡ Abbreviated "Southw." in the signature.

COUNTY OF ESSEX — *Concluded.*

| | |
|--------------------|---|
| <i>Lynn,</i> | Capt. John Burrill, jun , Lieut. John Fuller. |
| <i>Marblehead,</i> | Capt. Nathaniel Norden, Mr. John Browne. |
| <i>Beverly,</i> | Mr. Peter Woodbery. |
| <i>Wenham,</i> | Ensign Walter Fayerfield, Mr. Thomas Patch.* |
| <i>Ipswich,</i> | Mr. Nehemiah Jewet, Mr. William Goodhew, jun. |
| <i>Manchester,</i> | Mr. Thomas Tewxbery. |
| <i>Gloucester,</i> | Mr. William Sargent, Mr. William Stevens.† |
| <i>Rowley,</i> | Mr. Ezekiel Jewet, Lieut. John Dresser. |
| <i>Boxford,</i> | Lieut. John Pebody, Lieut. Thomas Perley. |
| <i>Topsfield,</i> | Lieut. Thomas Baker ‡ |
| <i>Newbury,</i> | Capt. Daniel Peirce, Capt. Thomas Noyes. |
| <i>Salisbury,</i> | Lieut. Henry True, Mr. Jacob Morrill. |
| <i>Amesbury,</i> | Capt. Thomas Harvey, Lieut. Thomas Sargent. |
| <i>Haverhill,</i> | Capt. George Browne, Ensign Samuel Huethins.** |
| <i>Bradford,</i> | Mr. David Haseltine, Mr. John Tennie. |
| <i>Andover,</i> | Capt. Dudley Bradstreet, Mr. John Frie. |

COUNTY OF MIDDLESEX.

| | |
|---------------------|---|
| <i>Charlestown,</i> | Mr. Jacob Greene, Mr. Samuel Phipps. |
| <i>Cambridge,</i> | Mr. Samuel Chamne, Mr. Thomas Oliver. |
| <i>Watertown,</i> | Mr. William Bond, Lieut. Benjamin Gearfield. |
| <i>Malden,</i> | Mr. Job Lane, Mr. John Green. |
| <i>Medford,</i> | Maj. Nathaniel Wade, Lieut. Peter Tufts. |
| <i>Woburn,</i> | Lieut. James Convers, Mr. Mathew Johnson. |
| <i>Reading,</i> | Mr. Nathaniel Goodwin, Mr. Benjamin Fitch. |
| <i>Billerica,</i> | Capt. Ralph Hill, Lieut. Joseph Thompson. |
| <i>Chelmsford,</i> | Mr. Cornelius Waldo, Mr. Nathaniel Hill. |
| <i>Concord,</i> | Mr. Jonathan Prescott, Mr. Henry Woodis. |

COUNTY OF MIDDLESEX — *Concluded.*

| | |
|---------------------|--|
| <i>Sudbury,</i> | Capt. Thomas Browne, Capt. John Goodenow. |
| <i>Groton,</i> | Mr. Nathaniel Lawrance,§ Mr. John Page. |
| <i>Stow,</i> | Mr. Thomas Stevens, Mr. Jabez Browne. |
| <i>Dunstable,</i> | Mr. Jonathan Tyng, Maj. Thomas Henchman. |
| <i>Lancaster,</i> | Mr. John Moor, Mr. John Houghton. |
| <i>Marlborough,</i> | Mr. John Brigham, Mr. John Barns. |
| <i>Sherborn,</i> | Mr. John Death. |
| <i>Newton,</i> | Mr. Isaac Williams, Mr. John Ward. |

COUNTY OF SUFFOLK.

| | |
|--------------------|--|
| <i>Boston,</i> | Capt. Penn Townsend, Capt. Theophilus Frary. |
| <i>Roxbury,</i> | Mr. William Denison, Capt. Samuel Ruggles.¶ |
| <i>Dorchester,</i> | Capt. Samuel Clap, Mr. Timothy Tilestone |
| <i>Milton,</i> | Capt. Thomas Vose, Lieut. Thomas Swift. |
| <i>Braintree,</i> | Maj. Edmund Quinsey, Mr. Alexander Marsh. |
| <i>Weymouth,</i> | Capt. John Holbrooke, Mr. John Rogers. |
| <i>Hingham,</i> | Lieut. Jeremiah Beale, Mr. David Hobort.** |
| <i>Hull,</i> | Mr. John Loring. |
| <i>Dedham,</i> | Mr. Richard Ellice, Mr. Thomas Metcalfe. |
| <i>Medfield,</i> | Mr. Edward Adams, Mr. John Harding. |
| <i>Mendon,</i> | Capt. Josiah Chapin, Lieut. Samuel Read. |
| <i>Wrentham,</i> | Dea. Samuel Fisher, Mr. Cornelius Fisher. |
| <i>Woodstock,</i> | Mr. William Bartholomew, Mr. Nathaniel Johnson. |

COUNTY OF HAMPSHIRE.

| | |
|---------------------|--|
| <i>Northampton,</i> | Mr. Joseph Hawley, Mr. Medad Pomry. |
| <i>Hudley,</i> | Mr. Timothy Nash, Mr. Daniel Marsh. |
| <i>Springfield,</i> | Mr. John Holyoke, Capt. Andrew Belcher. |

* Patch's term of service ended with the first session; the town voting on the fifth of October, that Fairfield "attend the remainder of this session, and no other."

† "Stevnies", in the signature.

‡ Elected, but he does not appear to have taken the oath, and his name is not in the Secretary's list.

See note to this name in 1693, *post*.

§ The signature is doubtful; it may be "Laurance."

|| Or, possibly, "Moore."

¶ Ruggles died Aug. 15, 1692, having served twenty-two days.

** *Sic*.

COUNTY OF HAMPSHIRE — *Concluded.*

| | |
|-------------------|---|
| <i>Hatfield,</i> | Mr. Eleazer Frary, Mr. Samuel Partrigg*. |
| <i>Westfield,</i> | Mr. David Ashley, Mr. Thomas Noble. |
| <i>Deerfield,</i> | Lieut. Jonathan Wells, Mr. Joseph Barnard. |

COUNTY OF YORK.

| | |
|-------------------------|--|
| <i>York,</i> | Mr. Jeremiah Molton, Mr. George Turfrey. |
| <i>Kittery,</i> | Mr. James Emmercy, Mr. Benoni Hodsdon. |
| <i>Wells,</i> | Mr. Eliakim Hutchinson, Mr. John Wheelwright. |
| <i>Isles of Shoals,</i> | Mr. Roger Kelley, Mr. William Lakeman. |

COUNTY OF BARNSTABLE.

| | |
|---------------------|--|
| <i>Barnstable,</i> | Capt. John Goreham, Mr. John Otis. |
| <i>Sandwich,</i> | Capt. Thomas Tupper, Mr. Shearjashub Bourne.† |
| <i>Yarmouth,</i> | Capt. John Thacher, Mr. Jeremiah Howes, jun. |
| <i>Succanesset,</i> | Mr. Moses Rowley. |
| <i>Rochester,</i> | Mr. Aaron Barlow, Mr. John Hommond.* |

COUNTY OF BARNSTABLE — *Concluded.*

| | |
|------------------|--|
| <i>Eastham,</i> | Capt. Jonathan Sparrow, Ensign Jonathan Banges. |
| <i>Manamoit,</i> | Mr. Nicholas Eldredg,* Mr. William Mitchel. |

COUNTY OF BRISTOL.

| | |
|------------------------|--|
| <i>Bristol,</i> | Mr. John Saffin, Mr. Stephen Burton. |
| <i>Rehoboth,</i> | Mr. Christopher Sanders, Mr. Samuel Peck. |
| <i>Swansey,</i> | Capt. John Brown, Mr. Samuel Newman. |
| <i>Taunton,</i> | Capt. Thomas Leonard, Mr. Nathaniel Williams. |
| <i>Dartmouth,</i> | Mr. Joseph Tripp, Mr. Ebenezer Allen. |
| <i>Freelown,</i> | Mr. Job Winslow, Mr. Samuel Gardiner.‡ |
| <i>Little Compton,</i> | Mr. Henry Head,§ Mr. Daniel Wilcok.§ |

ISLAND OF CAPAWOK *alias* MARTHA'S
VINEYARD.

Mr. Simon Athearn,
Mr. Joseph Norton.

ISLAND OF NANTUCKET.

Capt. John Gardner,
Mr. William Gayer.

SAMUEL PHIPPS, *Clerk.*

JAMES MAXWELL, *Doorkeeper and Messenger.*||

* *Sic.* See this name in list of councillors, 1702, *post.*

† Or "Borne."

‡ Possibly, "Gardner."

§ During the second sitting of the Court these representatives renounced their fealty to Massachusetts and recognized the jurisdiction of Rhode Island. See resolve, chap. 11, *post.*

|| Until the appointment of Henry Emmes as messenger to the representatives, Feb. 23, 1693-4, Maxwell was the only officer in attendance upon the General Court and the Council.

PROCLAMATION, ORDERS AND VOTE

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE EIGHTH DAY OF JUNE, A. D. 1692.

CHAPTER 1.

A PROCLAMATION APPOINTING THURSDAY, THE FOURTEENTH DAY
OF JULY, 1692, AS A DAY OF SOLEMN THANKSGIVING.

AT A GREAT and Generall Court Assembled in the Province of y^e
Massachusetts Bay in New England —

It haueing pleased Almighty God in his Rich Mercy to p^rserue y^e
p^rsons of theire Mat^{ies}, and to Continue peace within y^e three King-
domes As also to grant a Safe Arrivall to his Excellency Our Govern-
our and y^e Reverend m^r Increase Mather, who haue Industiously
Endeavourd the Service of this People, and haue brought over wth
them a Settlement of Government, in w^{ch} theire Mat^{ies} haue graciously
given us distinguishing Marks of theire Royall ffauour & goodness.
It haueing likewise pleased God to vouchsafe a great measure of health,
and Comfortable hopes of a Harvest, to lay Restraints upon our Ene-
mies and Signally to disappoint and defeat them in a late attaque upon
the Eastern parts.

It is ordered, that Thirdsday the fourteenth day of July next be
kept as a Day of Solemn Thanksgiving unto God. For which end
all Servile Labour on that Day is hereby Inhibited, and y^e Senerall
Ministers and Assemblys in this Province, are directed to pay y^r vows
of praise unto that God that heareth prayers. [*Approved June 18.*]

CHAPTER 2.

ORDER APPOINTING A COMMITTEE TO REGULATE THE SETTLEMENT
OF BROOKFIELD, *alias* QUABOAG. [*Approved June 18.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc.,
of towns, etc.*]

CHAPTER 3.

ORDER APPOINTING COMMITTEES TO AUDIT AND ADJUST THE ACCOUNTS OF THE LATE COLONIES OF MASSACHUSETTS AND PLYMOUTH.

Ordered.

That James Russell and Joseph Lynde Esq^r m^r James Taylor, m^r Thomas Brattle, Captain Andrew Belcher & m^r Samuel Channce, be and hereby are Impowred a Committee to Audit and Adjust all former Accompts of Debts Oweing from the late Massachusetts Colony. And that John Walley and Barnabas Lathrop Esq^r m^r Isaac Little, Captain Thomas Leonard, Captain W^m Bassett, m^r John Bradford & m^r Samuel Sprague be and are alike Impowred a Committee to Audit and Adjust all former Accompts of Debt Oweing from the late Colony of New Plymouth unto the time of the arrival of his Ex^{cy} the Govern^r The said several Committees to make their Report to this Court, at their next meeting that Consideration may be then had of proper measures to be taken for the discharge and payment of the just debts of Each of s^d Colony^s respectively. And that the Accounts depending between the said two late Colonies of the Massachusetts and New Plymouth be adjusted and settled by the late Commissioners of said Colonies of the Massachusetts & Barnabas Lothrop & John Walley Esq^{rs} for Plimouth Colony [*Approved June 30.*]

CHAPTER 4.

ORDER REAPPOINTING THE COMMITTEE TO RECEIVE OF THE TREASURER AND TO DESTROY THE COLONIAL BILLS OF CREDIT.

Ordered y^t Capt Joseph Lynde M^r John Foster & Capt Sam^l Ruggles Continue a Comitte as formerly to take in & Receiue of y^e Treasur^r those Bills of Credit that are brought into y^e Treasury and giue him receipt thereof, and to Cause them to be burnt, according to a former act of Court — [*Approved July 1.*]

CHAPTER 5.

VOTE FOR REGULATING FEES.

| THE SECRETARYS FFEES. | | | |
|---|----|----|---|
| | lb | s | d |
| A Pass or Sea Briefes & Seales | 00 | 05 | 0 |
| Bill of health | 00 | 05 | 0 |
| Speciall Warrant or Mittimus, by order of Gov ^r & } Councill each * | 00 | 02 | 6 |

* After this item in the original draft of this vote the following entry was made and marked *dele.*, as in the margin:—

dele. X Every lycence for ordinarys, to be accounted for by the Clerke of S^d }
Court 00.00 0

| | |
|---|-------------------|
| ffor Coñmissions under the great Seale for places. of } profit | lb s d 00.10 0 |
| ffor Coñmissions for Generall officers | } 00-03-0 |
| ffor Coñmissions for field officers | |
| ffor other Coñmissions for officers | |
| ffor Bonds | 00.02.00 |
| Every oath for one or more depositions taken before } the Govo ^r | } 00.01-0 |
| ffor Every order of Councill to the benefit of pticular } persons | |
| Petition to the Govo ^r & Council, according to the Im- port. from — 2 ^s /6 ^d to 10 ^s — | |
| Ingrossing acts, & Transcribing the acts of the assem- bly, each Thirty lynes, Conteyning Eight words in a line. 9 ^d or proportionable — | |
| Coñmissions, for each County for the Justices | 00-10 - |

CORONERS FFEES.

| | |
|--|-----------|
| ffor taking Every Inquisition, to be paid out of the } estate of the deceased | } 00.13.4 |
| If noe Estate, then to be paid by the County Treasurer, | |

JUSTICES FFEES.

| | |
|--|-----------|
| Every attachment or Summons for actions not exceed- } ing 40 ^s | } 00-00 6 |
| Subpœna each witness | |
| Entring the action | 00.00.2 |
| Every Execution | 00.03.0 |
| ffiling papers. each paper | 00.02.0 |
| Every Warrant for Criminalls | 00.00.2 |
| Coppie of a Judgment | 00.01.0 |
| Coppie of a Judgment | 00.00 6 |
| Every Recognizance | 00.01.0 |
| Confessing Judgment | 00.02.0 |
| Affidavit out of Court | 00.01 0 |
| Each days attendance at the sessions to be paid out of } the fines | } 00.05:0 |
| Bond for appeale | |
| Coppie of Evidences the least | 00.01:0 |
| Coppie of Evidences the least | 00.00.6 |
| Taking an acknowledgiment of a deed | 00.01.0 |
| ffor Marriages | 00.03:0 |

July: 2^d 1692. These Read in this house of Representatives wth those on y^e Contrary
side three times and
voted past in y^e Affirmative & Sent to his Excellency y^e Gou^r & Council for
Consent —

WILLIAM BOND *Speaker*

These Tables of ffees being read before the Governor & Council are agreed, and con-
sented unto.

July. 2^d 1692.

WILLIAM PHIPS

CHAPTER 6.

AN ORDER FOR PRINTING AND DISTRIBUTING THE ACTS PASSED BY
THE GENERAL ASSEMBLY.

Ordered by his Excellency the Governo^r Councill and Rep^rsentatiues
Convened in Generall Assembly That all those Acts that haue been
made and passed by this Generall Court or Assembly Since y^e Sessions
thereof be forthwth Printed for y^e Information of y^e Province, and y^t
Each Town haue one of y^e same [*Approved July 2.*

ORDER

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE EIGHTH DAY OF FEBRUARY, A.D. 1692-3.

CHAPTER 7.

ORDER FOR ALLOWING DEMURRAGE TO THE OWNERS OF THE SHIP
WALTER AND THOMAS IF DETAINED FOR THE PUBLIC SERVICE.

UPON READING the petition of Jeremiah Tay, master of the ship Walter and Thomas, bound for London, in behalf of himself and owners of said ship, therein setting forth that the said ship is now in all respects ready to prosecute her intended voyage, praying that he may be allowed demorage for so long a time as she shall be detained on the public account, —

Ordered, That the petitioner have his clearings on Monday next, the 13th of February currant; if, otherwise, the said ship be detained after that day, for want thereof, that he be paid thirty shillings *per diem* demorage, to the use of the owners. [*Approved February 9, 1692-3.*]

RESOLVES, ORDER, VOTE, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON
ON THE SECOND DAY OF MARCH, A. D. 1692-3.

CHAPTER 8.*

RESOLVE FOR INVITING INCREASE MATHER TO PREACH THE FIRST
ELECTION SERMON.

Resolved and agreed, by his ex^{cy}. and council, that the rev^d. M^r. Increase Mather be desired to preach a sermon unto the general assembly, at their meeting on the last Wednesday in May next, and that John Richards and that Samuel Sewall Esq^{rs}. acquaint him herewith. [*Passed March 3, 1692-3.*]

CHAPTER 9.

RESOLVE FOR FITTING OUT A VESSEL TO CRUISE IN MARTHA'S VINEYARD SOUND, FOR THE SECURITY OF COASTING VESSELS. [*Passed March 7, 1692-3.*]

[*Printed in the note † to the act of December 11, 1693.*]

CHAPTER 10.

AGREEMENT ‡ BETWEEN THE COUNCIL AND REPRESENTATIVES AS
TO PROCEEDINGS IN THE ANNUAL CHOICE OF COUNCILLORS.

WHEREAS by their Maj^{ties} Royall Charter it is granted Established & ordained that yearly, once in every year, on y^e Last Wednesday of

* Though this resolve was by the Governor and Council alone, it was communicated to the House, and the whole Assembly attended to hear the sermon. This approval by the representatives seemed to require that it be made an exception to the rule excluding from this collection all matters not jointly or concurrently voted upon. See resolves of 1693, chap. 1, *post*.

† In the note referred to, this resolve is described as passed by the Governor and Council, but as this is only a supposition the resolve is here included with the acts of the whole Assembly, nothing appearing on the record to render this conclusion improbable.

‡ This peculiar piece of legislation does not appear to have received the Governor's signature, although it was evidently drawn with that intention. Possibly it was finally

May, the number of Twenty Eight Councello's, or Assistants Shall be by y^e Generall Court or Assembly newly Chosen, that is to Say, Eighteen at least of the Inhabitants of or proprieto's of Land within y^e Territory formerly Called the Colony of y^e Massachusetts Bay, And four at y^e least of y^e Inhabitants of or proprieto's of Lands within the Territory Called New Plimouth, and Three at y^e least of y^e Inhabitants of, or proprieto's of Lands within y^e Territory formerly Called y^e Province of Maine, and one at y^e least of y^e Inhabitants of or proprieto's of Land within y^e Territory lying between y^e River Sagadahock and Nova Scotia It is Concluded and agreed, by y^e Gouverno^r Councill & Assembly that the Election be made as followeth, That there be a nomination of Twenty Eight p^rsons for y^e Inhabitants &c. of y^e Massachusetts Colony by votes put in distinct papers, all in one List Clearly distinguished, and no man Shall put in above one vote for one p^rson. And y^e like nomination of Seven p^rsons for y^e Inhabitants of New Plimouth. And y^e like nomination of six p^rsons for y^e Province of Maine, and four for y^e Inhabitants &c. lying between Sagadahock & Nova Scotia (*and all Lists that Exceed y^e numbers aforesaid, or have one mans name more then once Shall be thrown away **), those votes to be gathered by y^e Rep^rsentatiues in their house, and by y^e Gouverno^r and Councill by them Selues, and all mixt on y^e Councill Table. And there Sorted by p^rsons appointed thereunto by y^e Generall Assembly, the first votes to be gathered Shall be y^e 28 p^rsons for y^e Massachusetts, who Shall be put to vote the Election to be made by papers, and those Eighteen y^t haue most votes are to be Councello's or Assistants, for y^e year Ensueing, & untill others be Chosen in their stead, and y^e like for Plimouth y^e Province of Maine and Sagadahock, All w^{ch} Elected p^rsons are to be layd before his Excellency, the Gouverno^r for his Approbation — [*Agreed to by both branches March 11, 1692-3.*]

CHAPTER 11.

ORDER FOR REDUCING THE LIMITS OF LITTLE COMPTON, AND FOR CONFIRMING THE GRANT OF TOWN PRIVILEGES THERE, AND FOR REGULATING THE CHOICE OF CONSTABLES, ETC., IN PUNCATEESE, NUNAUAKET AND POCASSET. [*Approved March 13, 1692-3.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

treated as a matter of parliamentary regulation between the two branches which did not require the consent of the executive; for it seems to have established the rule ever after followed, and the minute concerning it in the records of the General Court is, "A conference was had and agreement with the representatives about the method of proceeding for election of councillors or assistants." — *Vol. VI., p. 275.*

* In the original, this clause in parentheses and Italics, is drawn through or underscored with a pen; but whether this was intended for emphasis or for cancellation is doubtful.

CHAPTER 12.

VOTE* FOR ALLOWING FOUR SHILLINGS *PER DIEM* TO THE COMMISSIONERS APPOINTED UNDER THE ACT OF DECEMBER 15, 1692, FOR REGULATING A FORMER ASSESSMENT, ETC.

The Honord Gen^l Co^rte Haveing appointed Severall County Comission^s to pass into y^e Severall Towns to Reveive† & bring in y^e Lists of the Severall Towns The s^d Comittees haveing Expended tyme & Costs propose to y^e Honord Co^rte that they may be allowed Out of the publike Treasurie y^e Severall Sums affixed to y^e Severall p^sons that have attended y^e s^d betrusement for y^e Beareing theire charges & tyme Expended thereupon as ffolloweth

| | | £ | s | d |
|------------|---|----|----|----|
| Suffolk | { Cap ^t Pen Townsend 10 days at 4 ^s 4 ^p | 02 | 00 | 00 |
| | { m ^r Timo: Tilestone 10 days at 4 ^s 4 ^p | 02 | 00 | 00 |
| Essex | { Cap ^t Sam ^l Gardner 14 days at 4 ^s 4 ^p | 02 | 16 | 00 |
| | { m ^r Nehe: Jewett 14 days at 4 ^s 4 ^p | 02 | 16 | 00 |
| Middlesex | { major Tho Hinchman 21 days at 4 ^s 4 ^p | 04 | 04 | 00 |
| | { m ^r Mathew Johnson 21 days at 4 ^s 4 ^p | 04 | 04 | 00 |
| Plimouth | { Cap ^t Nath ^l Thomas 14 dayes at 4 ^s 4 ^p | 02 | 16 | 00 |
| | { m ^r Sam ^l Clapp 14 days at 4 ^s 4 ^p | 02 | 16 | 00 |
| Barnstable | { Cap ^t Tho: Tupper 18 dayes at 4 ^s 4 ^p | 03 | 12 | 00 |
| | { m ^r John Oatis 18 dayes at 4 ^s 4 ^p | 03 | 12 | 00 |
| Bristol | { Cap ^t John Brown 16 days at 4 ^s 4 ^p | 03 | 04 | 00 |
| | { m ^r Sam ^l Peck 16 days at 4 ^s 4 ^p | 03 | 04 | 00 |
| Hampshire | { m ^r Joseph Hawley 18 days at 4 ^s 4 ^p | 03 | 12 | 00 |
| | { Sam ^l Partrigg 18 days at 4 ^s 4 ^p | 03 | 12 | 00 |
| | | 44 | 8 | 0 |

March 8th 1692² The aboves^d bill was Orderly reade in y^e house of Rep^rsentatives & voted in y^e affirmative alloweing 4^s 4^p day to y^e persons abovenamed o^r Honord Govern^r & Counsell Consenting thereto —

Voted in Council. to be paid by the respective Countys. [*Approved* March 17, 1692-3.

* Owing to the peculiar form of the entry of this vote in the records of the Council, and "the ingenious disorder" of the state archives, which were difficult of access and without a complete index when the first volume of this edition of the province laws was being compiled, the original of this "bill" was not discovered, and it was supposed, at that time, to be an act the engrossment of which was lost. See vol. I., p. 787.

The compensation claimed by the commissioners was five shillings *per diem*. This was reduced to four shillings, by the Assembly, and the items in the bill (at the foot of which the above vote was minuted) were altered accordingly.

† *Sic.*

VOTES AND ORDERS,

PASSED 1693.

LEGISLATIVE LIST

FOR

1693.

HIS EXCELLENCY SIR WILLIAM PHIPS, KNT.,
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.*

WILLIAM STOUGHTON, ESQ.,
LIEUTENANT- OR DEPUTY-GOVERNOR, ETC.*

ISAAC ADDINGTON, ESQ.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.†

Of the inhabitants of, or proprietors of, lands within the territory formerly called the Colony of the Massachusetts Bay:—

| | |
|------------------------------|--------------------------|
| WILLIAM STOUGHTON, ESQ., | DANIEL PEIRCE, ESQ.,‡ |
| THOMAS DANFORTH, ESQ., | JOHN HATHORNE, ESQ., |
| JOHN PYNCHON, ESQ., | ELISHA HUTCHINSON, ESQ., |
| JOHN RICHARDS, ESQ., | SAMUEL SEWALL, ESQ., |
| NATHANIEL SALTONSTALL, ESQ., | ISAAC ADDINGTON, ESQ., |
| WAIT WINTHROP, ESQ., | WILLIAM BROWNE, ESQ., |
| JAMES RUSSELL, ESQ., | JOHN PHILLIPS, ESQ., |
| BARTHOLOMEW GEDNEY, ESQ., | JONATHAN CORWIN, ESQ., |
| ROBERT PIKE, ESQ., | JOHN FOSTER, ESQ., |
| PETER SERGEANT, ESQ. | |

Of the inhabitants of, or proprietors of, lands within the territory formerly called New Plymouth:—

| | |
|-------------------------|-------------------------|
| WILLIAM BRADFORD, ESQ., | BARNABAS LOTHROP, ESQ., |
| JOHN WALLEY, ESQ., | NATHANIEL THOMAS, ESQ., |
| JOHN SAFFIN, ESQ. | |

Of the inhabitants of, or proprietors of, land within the territory formerly called the Province of Maine:—

| | |
|----------------------|----------------------|
| FRANCIS HOOKE, ESQ., | CHARLES FROST, ESQ., |
| SAMUEL DONNELL, ESQ. | |

Of the inhabitants of, or proprietors of, land within the territory lying between the river of Sagadahoc and Nova Scotia:—

SILVANUS DAVIS, ESQ.

* For the full title see p. 5, *ante*.

† In each of the lists of councillors which follow, until the year 1700, two councillors were chosen at large, but are not so described in the record. See resolve, 1700-1, chapter 1, note, *post*.

‡ Chosen June 2, in place of Elisha Cooke, who had been negatived by the Governor.

REPRESENTATIVES OR DEPUTIES.*

May 31, to July 15, 1693.

MR. WILLIAM BOND, SPEAKER.

| COUNTY OF SUFFOLK. | | COUNTY OF ESSEX. | |
|--------------------|--|--------------------|--|
| <i>Boston,</i> | Mr. James Taylor, Capt. Penn Townsend, Mr. John Eyre, Capt. Theophilus Frary. | <i>Salem,</i> | Mr. Benjamin Browne, Mr. William Hirst. |
| <i>Roxbury,</i> | Mr. William Denison. Capt. Thomas Dudley. | <i>Marblehead,</i> | Capt. John Legg. |
| <i>Dorchester,</i> | Mr. Enoch Wizell.† | <i>Lynn,</i> | Mr. John Burrill, jun.‡ |
| <i>Milton,</i> | Mr. George Sumner. | <i>Beverly,</i> | Capt. John Dodge § |
| <i>Braintree,</i> | Mr. John Baxter. | <i>Gloucester,</i> | Deacon James Stevenes.¶ |
| <i>Weymouth,</i> | Capt. John Holbrooke. | <i>Rowley,</i> | Capt. Joseph Boynton. |
| <i>Hingham,</i> | Mr. Nathaniel Beale. | <i>Newbury,</i> | Capt. Thomas Noyes. |
| <i>Dedham,</i> | Capt. Timothy Dwight. | <i>Salisbury,</i> | Lient. John Allin. . |
| <i>Mendon,</i> | Mr. Timothy Winter. | <i>Amesbury,</i> | Mr. Thomas Stevens. |
| <i>Wrentham,</i> | Mr. Samuel Fisher. | <i>Topsfield,</i> | Mr. Thomas Baker.** |
| <i>Oxford,</i> | Mr. Daniel Allin. | <i>Audover,</i> | Mr. Christopher Osgood. |
| <i>Medfield,</i> | Mr. John Harding. | <i>Haverhill,</i> | Mr. Daniel Lad.†† |
| | | <i>Brudford,</i> | Mr. John Temie.‡‡ |
| | | <i>Ipswich,</i> | Mr. Nehemiah Jewet.§§ Sergeant Thomas Hart. |

* By the act "for ascertaining the number and regulating the House of Representatives", passed Nov. 30, 1692 (chapter 38), every town in the province, containing "forty freeholders and other inhabitants qualified by charter to elect", was required to choose and send one representative to the General Court; and when the electors numbered one hundred and twenty, or more, the town was allowed two representatives. Towns containing thirty or more electors, but less than forty, were "at liberty to send one, or not"; and all towns containing less than thirty electors, were authorized to send one representative of the town, or to "join with the next town in the choice of their representatives, they paying a proportionable part of the charge." No town, however, was permitted to send more than two representatives, except Boston, which had the privilege of choosing and sending four. This accounts for the sudden decrease in the number of representatives chosen this year.

It will have been noticed that the towns represented in 1692-3 were arranged in the order of their respective dates of settlement. This was in imitation of the rule established by Massachusetts before the union of the colonies under the province charter. In the year 1693, however, a new order of precedence was adopted, which was adhered to with occasional variations until superseded by the present alphabetical system. By this new rule Suffolk County took the lead, instead of Plymouth; then Essex and Middlesex followed, before Plymouth. After Plymouth, came the remaining counties of the Massachusetts Colony — Hampshire and York, followed by Barnstable and Bristol, which had been part of the colony of New Plymouth. Nantucket completed the list.

† Written "Wiswall" by other members of the family.

‡ "Junior", in the town records; but this addition does not appear in his signature to the oaths nor in the Secretary's list.

§ *Sic.*

¶ According to the town records; and he subscribed the qualifying oaths. But, evidently through a clerical error, "Mr. James Davis," is given in the legislative records.

|| Stevens took the qualifying oaths, July 6, 1693. The clerk by mistake entered his name in the certificate, "Thomas Death." His election appears in the town records but his name is not in the Secretary's list.

** The town records show that, May 24, 1693, Capt. John Gould and Lient. Thomas Baker were elected representatives, "to take turns, as they agree." Gould did not qualify. See, *post*, 1696, p. 104, note to James Convers, representative from Woburn.

†† Lad made his mark this year; but signed in 1694.

‡‡ This name appears among the representatives who subscribed the qualifying oaths, July 6, 1693. The town records are imperfect at this date and do not show his election, and his name is omitted from the Secretary's list.

§§ Jewet was not sworn until July 6; and hence, probably, he appears second in the Secretary's list; but he stands first, on the town records.

COUNTY OF MIDDLESEX.

| | |
|---------------------|---|
| <i>Charlestown,</i> | Capt. Richard Sprague. |
| <i>Malden,</i> | Capt. John Green. |
| <i>Cambridge,</i> | Mr. Thomas Oliver. |
| <i>Newton,</i> | Mr. John Ward. |
| <i>Watertown,</i> | Mr. William Bond, Capt. Benjamin Gearfield |
| <i>Sudbury,</i> | Capt. Thomas Browne, Capt. John Goodenow. |
| <i>Marlborough,</i> | Mr. Abraham Williams |
| <i>Lancaster,</i> | Mr. John Houghton. |
| <i>Concord,</i> | Mr. Jonathan Prescott. |
| <i>Chelmsford,</i> | Mr. Cornelius Waldo. |
| <i>Dunstable,</i> | Mr. Francis Foxcroft. |
| <i>Reading,</i> | Capt. John Browne. |
| <i>Woburn,</i> | Mr. Samuel Blogget.* |
| <i>Billerica,</i> | Capt. Ralph Hill. |
| <i>Sherborn,</i> | Mr. John Death. |

COUNTY OF PLYMOUTH.

| | |
|---------------------|-----------------------|
| <i>Scituate,</i> | Mr. Benjamin Stetson. |
| <i>Bridgewater,</i> | Mr. Samuel Allen. |
| <i>Plymouth,</i> | Mr. John Nelson. |
| <i>Marshfield,</i> | Mr. Isaac Little. |

COUNTY OF HAMPSHIRE.

| | |
|---------------------|-----------------------|
| <i>Springfield,</i> | Mr. Benjamin Davis.† |
| <i>Hadley,</i> | Capt. Aaron Cooke. |
| <i>Northampton,</i> | Mr. Joseph Parsons. |
| <i>Hatfield,</i> | Ensign Eleazer Frary. |
| <i>Westfield,</i> | Mr. Samuel Root. |
| <i>Suffield,</i> | Capt. George Norton. |

COUNTY OF YORK.

| | |
|-----------------|---------------------|
| <i>Kittery,</i> | Mr. James Emmercy.‡ |
|-----------------|---------------------|

COUNTY OF BARNSTABLE.

| | |
|--------------------|--------------------------|
| <i>Yarmouth,</i> | Capt. John Thacher.§ |
| <i>Barnstable,</i> | Mr. John Otis. |
| <i>Eastham,</i> | Mr. John Doane, senior.¶ |
| ———— | Thomas Hinckley, Esq. |

COUNTY OF BRISTOL.

| | |
|------------------|--------------------------|
| <i>Bristol,</i> | Capt. Nathaniel Byfield. |
| <i>Swansey,</i> | Mr. Ebenezer Brenton. |
| <i>Rehoboth,</i> | Mr. Samuel Peck. |
| <i>Taunton,</i> | Mr. Thomas Leonard. |
| <i>Freetown,</i> | Mr. Jahleel Brenton. |

ISLAND OF NANTUCKET.

Capt. John Gardner.

UNKNOWN.

———— Sampson Sheafe.**
 ————— Henry Dering.**

SAMPSON SHEAFE,†† } *Clerks.*
 HENRY DERING, }

JAMES MAXWELL, *Doorkeeper and Messenger.*

* *Sic.*

† Major John Pynchon, representative from Springfield, was elected to the Council, and was succeeded by Davis, who was an inhabitant of Boston.

‡ This signature seems to be followed by a capital S: possibly an abbreviation of "senior."

§ Written erroneously "Jo^s Thatcher" in the Secretary's records.

¶ "Senior", in the town records, but not so signed, or entered by the Secretary.

|| Hinckley, who was an inhabitant of Barnstable, subscribed the oaths, etc., but what town he represented does not appear.

** He took and subscribed the oaths, etc., and appears to have been a member, but the town he represented has not been ascertained.

†† Sheafe appears to have acted only at the organization of the House, May 31. Dering is the only clerk paid for that year, and he certifies as clerk, June 1 and 2.

VOTES AND ORDERS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRTY-FIRST DAY OF MAY, A.D. 1693.

CHAPTER 1.

VOTE OF THE COUNCIL APPOINTING A COMMITTEE TO THANK INCREASE
MATHER FOR HIS ELECTION SERMON.*

Voted, That John Richards, Elisha Hutchinson, Sam^l. Sewall and John Foster, Esq^{rs}, do, in the name of his excellency and councill, return thanks to the reverend M^r. Increase Mather for his sermon preached to this general assembly. [*Approved June 6.*]

CHAPTER 2.

ORDER FOR ALLOWING ONE HUNDRED POUNDS TO THE TOWN OF
GLOUCESTER, ON ACCOUNT OF OVER-ASSESSMENT IN 1692.

THE PETITION of The Town of Gloster being Read wherein they complaine that the Inhabitants of their Town are ouer Rated £170 : In their proportion in the Assesm^t of £30000 : granted last yeare — And their Acco^{ts} being Examined it is thereon found that they haue under vallued their lands about £30 : — And also Omited about £40 : — y^t they were doomed — So that there will be due to them one hundred Pounds — Which one hundred Pound is hereby

Ordered, That they shalbe Allowed by the Treasurer for the time being, when they shall be next Rated, or Assesed in Generall Assesm^t of this Province that shall be hereafter granted. [*Approved June 14.*]

CHAPTER 3.

VOTE FOR GRANTING A HEARING ON THE PETITIONS OF THE INHABITANTS OF IPSWICH FARMS AND THE TOWN OF TOPSFIELD PRAYING THAT THE FORMER MAY BE JOINED TO THE LATTER IN THE SUPPORT OF THE MINISTRY, AS FORMERLY; AND FOR NOTIFYING THE SELECTMEN OF IPSWICH THEREOF. [*Passed June 17.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

* See note to resolve, chap. 8, 1692-3, *ante*. This was a vote of the Council in behalf of the General Assembly.

CHAPTER 4.

VOTE FOR ESTABLISHING A FORM OF OATH TO BE TAKEN BY THE PROVINCE TREASURER.

MR JAMES TAYLOR being chosen and appointed treasurer of this their majesties' province for the year ensuing was presented by the house of representatives to be sworn, and the following oath being *voted* and established by the whole assembly and consented to by his excellency, was administred unto him : —

Whereas you James Taylor are chosen and Appoynted Treasurer with in this theire Maj^{ties} Province of the Massachuets Bay for one year now next ensuing* and untill another be chosen and Sworn in yo^r Stead you do Swear by the name of the everliveing* God that you will truely & faithfully perform & discharge the duty of a Treasurer in all things proper unto your Office and keep and render Just & true Acco^{ts} of all yo^r Transactions therein, when you shall be there to Lawfully Required So help you God
[*Approved June 17.*]

CHAPTER 5.

ORDER FOR ALLOWING FIFTY POUNDS TO NANTUCKET, ON ACCOUNT OF OVER-ASSESSMENT IN 1692.

NANTUCKET PETITION being read and their Acco^t and List being Examined by A Committee appoynted by y^e house of Representatives — who doe make Report that the Inhabitants of Nantucket — Were ouer rated fifty Pounds to y^e Last Assest^{mt} of thirty Thousand pounds — unto w^h this house do Concurr, Therefore —

Ordered That the Inhabitants of Nantucket shall be allowed fifty Pounds (by m^t Treasurer for the time being) out of their proportion to the Next Asses^{mt} that shall be hereafter granted/. [*Concurred in by the Council, and approved June 26.*]

* In the copy of records in the State Library the former of these words is "coming," and the latter is "everlasting."

ORDER AND VOTES

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE SIXTH DAY OF JULY, A. D. 1693.

CHAPTER 6.

ORDER FOR THE APPOINTMENT OF A JOINT COMMITTEE TO HEAR THE
AGENTS OF THE TOWNS OF IPSWICH AND TOPSFIELD RESPECTING
THE BOUNDS BETWEEN SAID TOWNS, AND TO REPORT THEREON.
[*Approved July 7.*

[*Printed with resolves, orders, etc., relating to the establishment, etc., of
towns, etc.*]

CHAPTER 7.

VOTE APPOINTING COMMISSIONERS TO TREAT WITH THE FRIENDLY
INDIANS, AT ALBANY.

A VOTE of the representatives that Major-Generall Wait Winthrop
and Major John Pyncheon be sent to Albany to treat the Maquas and
others nations of Indians in those parts in amity with the English, to
renew and confirm the friendship betwixt the English and them, and
to make a present to them, was read and, —

Agreed to by the council. [*Passed July 8.*

CHAPTER 8.

VOTE FOR ALLOWING FIVE HUNDRED POUNDS TO JOHN PHILLIPS,
LATE TREASURER OF THE COLONY, FOR HIS PAST SERVICES.

Voted That Jn^o Phillips Esq^r late Treasurer of this Province have
the Sum of five Hundred pounds allowed him as a Recompence
for his Service as Treasurer for the late Collony of the Massachusetts
from the 18th Day of Aprill 1689. untill the 14th Day of May 1692 to be
allowed him upon makeing up his Accounts & Laying them before
the House of Representatiues at their Next Sitting after the first day
of September next (otherwise to the Comitteē allready Chosen by
this House) in full of his Service & accompts about the Treasury for
the time afores^d. [*Approved July 13.*

CHAPTER 9.

VOTE FOR ALLOWING ONE HUNDRED AND FIFTY POUNDS TO JOHN PHILLIPS, TREASURER OF THE PROVINCE, FOR HIS SERVICES.

Voted That John Phillips Esq^r Treasurer shall haue one hundred & fifty Pounds ~~per~~ Ann^o for all his paines & Charges as this Provinces Treasurer from the fourteenth day of May 1692 untill this 13th day of June 1693 —

And, untill a nother Treasurer be sworne in his Stead— [*Approved July 13.*

CHAPTER 10.

VOTE FOR ALLOWING COMPENSATION TO BARNABAS LOTHROP AND OTHERS, LATE TREASURERS IN PLYMOUTH COLONY, FOR THEIR SERVICES.

Voted That the late Treasurers in Plym^o Collony, Barnabas Lathrop Esq^r John Walley Esq^r & m^r Isaac Little — haue Six pence on the Pound allowed them from the 18th of Aprill 1689 untill the 14th day of May 1692 for their paines & service in that affaire [*Approved July 15.*

ORDERS, PROCLAMATION,
VOTES, ADDRESS, ETC.,

PASSED 1693-4.

LEGISLATIVE LIST

FOR

1693-4.

NOTE. — The councillors were annually elected in May, and consequently the same board acted with the deputies chosen for every court held during the legislative year. Writs had been issued for a General Court, to be held September 27, this year, and representatives were chosen thereto; but, though all the members that appeared were sworn, there was not a quorum; and as no returns were made from the counties of Hampshire and York, which, being so remote, probably failed to receive writs in season for warning the electors, “the Court did not hold.” Writs for another choice of representatives, to assemble on the eighth of November, were ordered to be “forthwith granted forth,” on the twenty-eighth of September. The list of deputies chosen is given below.

The county of Bristol is placed before Essex in the order of precedence, this year, probably as a compliment to the Speaker, who, though an inhabitant of Boston, represented the town of Bristol.

REPRESENTATIVES OR DEPUTIES.

November 8, 1693 to March 3, 1693-4.

CAPT. NATHANIEL BYFIELD, SPEAKER.

| COUNTY OF SUFFOLK. | | COUNTY OF MIDDLESEX. | |
|--------------------|---|----------------------|--|
| <i>Boston,</i> | Maj. Penn Townsend, Edward Bromfield, Esq., Capt. Theophilus Frary, Mr. Timothy Thornton | <i>Charlestown,</i> | Capt. Richard Sprague, Lieut. John Cutler.‡ |
| <i>Roxbury,</i> | Mr. William Denison. | <i>Malden,</i> | Capt. John Green. |
| <i>Dorchester,</i> | Capt. Samuel Clap,* Mr. Enoch Wizell. | <i>Medford,</i> | Ensign Stephen Frances.§ |
| <i>Milton,</i> | Mr. George Sumner. | <i>Cambridge,</i> | Mr. Thomas Oliver |
| <i>Braintree,</i> | Mr. John Baxter. | <i>Watertown,</i> | Capt. Benjamin Gearfield, Mr. Ebenezer Prout. |
| <i>Weymouth,</i> | Capt. John Holbrooke. | <i>Sudbury,</i> | Capt. John Goodenow |
| <i>Hingham,</i> | Sergeant Nathaniel Beale. | <i>Groton,</i> | Capt. James Parker ¶ |
| <i>Medfield,</i> | Mr. Benjamin Clark. | <i>Marlborough,</i> | Capt. Henry Kerley. |
| <i>Wrentham,</i> | Lieut. John Ware. | <i>Lancaster,</i> | Mr. John Houghton. |
| <i>Mendon,</i> | Mr. Timothy Winter. | <i>Concord,</i> | Lieut. Jonathan Prescott. |
| <i>Dedham,</i> | Capt. Timothy Dwight. | <i>Billerica,</i> | Capt. Ralph Hill. |
| <i>Oxford,</i> | Mr. Isaac Bertrand du Tuffeau†. | <i>Sherborn,</i> | Mr. John Death. |
| | | <i>Reading,</i> | Mr. Benjamin Fitch. |
| | | <i>Newton,</i> | Mr. John Ward. |

* Erroneously entered “Nathaniel,” by the Secretary.

† He was sworn, but his name does not appear in the Secretary’s list. Daniel Allin of Boston, who represented Oxford the previous year, was chosen by Marblehead for the September and November courts.

‡ He is called “Deacon,” in the town records.

§ Called “Ensign,” in the town records, but “Mr.”, in the Secretary’s list.

¶ His election is shown in the town records; but he was not sworn, and his name does not appear in the Secretary’s list.

COUNTY OF MIDDLESEX — *Concluded.*

| | |
|--------------------|-----------------------|
| <i>Chelmsford,</i> | Mr. Timothy Clarke. |
| <i>Woburn,</i> | Mr. Samuel Blogget. |
| <i>Dunstable,</i> | Mr. Francis Foxcroft. |

COUNTY OF BRISTOL.

| | |
|------------------------|--------------------------|
| <i>Bristol,</i> | Capt. Nathaniel Byfield. |
| <i>Swansey,</i> | Mr. Ebenezer Brenton. |
| <i>Taunton,</i> | Mr. Thomas Leonard.* |
| <i>Rhoboth,</i> | Mr. Stephen Paine, |
| | Mr. Joseph Brown. |
| <i>Little Compton,</i> | Mr. Giles Dyer. |
| <i>Freetown,</i> | Mr. Jahleel Brenton. |

COUNTY OF ESSEX.

| | |
|--------------------|---------------------------|
| <i>Salem,</i> | Benjamin Browne, Esq., |
| | Mr. William Hirst. |
| <i>Marblehead,</i> | Capt. John Legg, |
| | Mr. Daniel Allin. |
| <i>Lynn,</i> | Capt. John Burrill, jun.† |
| <i>Beverly,</i> | Capt. John Dodg. |
| <i>Manchester,</i> | Capt. John Browne.‡ |
| <i>Ipswich,</i> | Mr. Nehemiah Jewet, |
| | Mr. Thomas Hart. |
| <i>Rowley,</i> | Mr. Samuel Platts. |
| <i>Boxford,</i> | Lient. Thomas Perley.§ |
| <i>Topsfield,</i> | Lient. Thomas Baker.¶ |
| <i>Newbury,</i> | Capt. Thomas Noyes. |
| <i>Salisbury,</i> | Ensign Nathaniel Browne. |

COUNTY OF ESSEX — *Concluded.*

| | |
|--------------------|-------------------------|
| <i>Amesbury,</i> | Capt. Thomas Harvey. |
| <i>Haverhill,</i> | Mr. Daniel Lad. |
| <i>Andover,</i> | Mr. Christopher Osgood. |
| <i>Gloucester,</i> | Mr. James Stevenes. |

COUNTY OF YORK.

| | |
|------------------------|-------------------------|
| <i>York and Wells,</i> | Mr. Samuel Wheelwright. |
| <i>Kittery,</i> | Mr. William Screven. |

COUNTY OF HAMPSHIRE.

| | |
|---------------------|------------------------|
| <i>Springfield,</i> | Capt. Benjamin Davis. |
| <i>Hadley,</i> | Mr. Samuel Porter. |
| <i>Hatfield,</i> | Capt. Samuel Partrigg. |
| <i>Northampton,</i> | Mr. Joseph Parsons. |
| <i>Westfield,</i> | Lient. Samuel Root. |

COUNTY OF PLYMOUTH.

| | |
|---------------------|-----------------------|
| <i>Plymouth,</i> | Mr. John Nelson. |
| <i>Scituate,</i> | Mr. Benjamin Stetson. |
| <i>Marshfield,</i> | Mr. Isaac Little. |
| <i>Duxbury,</i> | Lient. Seth Arnold. |
| <i>Bridgewater,</i> | Mr. Samuel Allen. |

COUNTY OF BARNSTABLE

| | |
|--------------------|------------------|
| <i>Barnstable,</i> | Mr. John Otis. |
| <i>Yarmouth,</i> | Mr. John Hallet. |
| <i>Eastham,</i> | Mr. John Doane. |

EBENEZER PROUT, *Clerk.*

JAMES MAXWELL,** *Doorkeeper and Messenger.*

* He was sworn, but his name does not appear in the Secretary's list.

† He is called "junior," in the town records.

‡ It appears from the town records of Manchester that he was an inhabitant of Marblehead.

§ He was sworn, and the town records show that he was elected, but his name is not in the Secretary's list.

¶ He was sworn, but his name is not in the Secretary's list.

|| His election is shown by the town records, but he was not sworn, and his name is not in the Secretary's list.

** About a week before the dissolution of this Assembly, Henry Emmes was appointed Messenger to the House of Representatives, for which office, it appears by the following entry in Sewall's Diary, he received a commission from the Governor and Council:—

"Friday, Feb. 23, 1693/4. . . . This day Henry Ems the Baker has his name put into a commission to be a Messenger to the Representatives when sitting, and commission deliver'd to him in the Council Chamber." — *Vol. 1, p. 389.*

ORDERS, PROCLAMATION, VOTES, ADDRESS, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE EIGHTH DAY OF NOVEMBER, A.D. 1693.

CHAPTER 1.

ORDER APPROVING AND ALLOWING THE ACCOUNT OF JOHN PHILLIPS,
LATE TREASURER OF THE PROVINCE.*

JOHN PHILLIPS, Esq^r, presented an accompt of payments made by him during the time of his being treasurer, for sundry emergency's and expences amounting to one hundred eighty-nine pounds two shillings and fourpence, which was approved of and, —

Ordered to be passed in his accompt. [*Approved November 13.*]

CHAPTER 2.

ORDER APPOINTING A COMMITTEE TO SURVEY LANDS PRAYED FOR BY JOHN WHEELWRIGHT, AND TO ASCERTAIN IF THERE ARE ADVERSE CLAIMS THERETO. [*Approved November 14.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 3.

A PROCLAMATION APPOINTING THURSDAY, THE TWENTY-FIRST DAY OF DECEMBER, 1693, AS A DAY OF SOLEMN THANKSGIVING.

PROVINCE OF THE
MASSACHUSETTS Bay ss.

By his Excy. the Governo^r Council and Representatives in General Court Assembled^o.

UPON CONSIDERATION of the high Obligations laid upon this People to Recognize the Signal publick mercies received from heaven in the Sum^{er} past; Especially in so sensible a providence as the preservation of his Majesty from those many dangers to which he has lately exposed his Royal person for the sake of the Protestant Religion and

* *Vide, ante*, 1693, vote, chapter 8.

Interest, and the Success of his Armes, the Stop given to the Spreading of mortal Sickneses and good measure of health restored to this Province the favourable harvest after awful threatnings by sore drought, the late Submission made by the Indian Enemy and respite given from annoyances by them ; with much other preventing goodness.

This Court have thought fit to appoint, as they Do hereby *Order and appoint* Thursday the 21st of Decemb^r next, to be celebrated as a day of Thanksgiving throughout this Province, forbidding all Servile Labour upon the same, And do Excite both Ministers and people in the severall Churches and Congregations to offer up most humble and hearty prayes unto Almighty God for these and all other immerited favours [Approved November 14.

CHAPTER 4.

VOTE FOR GRANTING TO SAMUEL SEWALL AND WIFE ONE THOUSAND ACRES OF LAND ON MERRICONEAG NECK IN CASCO BAY.
[Approved Nov. 15.

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 5.

ADDRESS OF THANKS BY THE COUNCIL AND REPRESENTATIVES TO KING WILLIAM AND QUEEN MARY, AND A PETITION FOR A CONTINUANCE OF FAVORS.

To There Most Excellent Maj^s King William & Queen Mary

THE THANKFULL ADDRESS & humble Petition of your Maj^s most Loyal Subjects the Council & Representatives of your Maj^s Province of the Massachusetts Bay in New-England assembled in General Court Novemb^r 8, 1693.

It having pleased your Maj^s by your Royal Charter to grant and Confirm unto your Loyal Subjects in this Province, Sundry great & valuable Privileges, more particularly the Freedom of our Religion, Our Properties & Possessions ; and to nominate & by Commission to Constitute His Excellency Sir William Phips the Governour, and the honourable Lieut Governour with the Secretary in this your Maj^s Province, Persons from amongst our Selves naturally disposed to promote your Maj^s Interest and very acceptable to your Maj^s Loyal Subjects We cannot but express our most thankfull Resentments of so Singular & Gracious Favours, And do most humbly petition your Maj^s Royal Grace & Clemency in the Continuance of Them. We likewise humbly & thankfully Acknowledge the Defence that we have had by Two of your Maj^s Ships of War the Continuance of w^{ch} will be of great advantage to your Maj^s Interests in these Parts.

That the good Hand of the Almighty God may preserve your Maj^s Persons, That all your Noble Enterprises may be succeeded ; That your Reign may be long and Prosperous ; and that the God of Recompences may Crown your Maj^s with immortal Glory, is, & shall be the unfeigned, fervent & Constant Prayer of your Maj^s faithfull & dutifull Subjects [Signed by a majority of the Council, November 16.

CHAPTER 6.

VOTE ON THE PETITION OF SAMUEL VARNUM, EDWARD COBOURNE, AND OTHERS, INHABITANTS AND PROPRIETORS OF LANDS NORTH OF MERRIMAC RIVER, PRAYING FOR A GRANT OF UNIMPROVED LAND. [*Approved Nov. 27.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 7.

ORDER FOR ALLOWING FORTY POUNDS TO THE TOWN OF DEERFIELD FOR GARRISONING THE TOWN.

THE PETITION and acc^{ts} of the town of Deerfield for the garrisoning of that town by order of his e^x^{ty} the govern^r, containing a line of two hundred and two rodds, being read, —

Ordered, That there be forty pounds allowed said town by discompt in their public assessment towards the charge of said fortifications. [*Approved November 28.*]

CHAPTER 8.

ORDER FOR ALLOWING ONE HUNDRED AND TWENTY POUNDS TO JOHN ARNOLD, LATE KEEPER OF THE PRISON IN BOSTON.

THE ACCOMPT of John Arnold, late keeper of the prison in Boston, having been examined by a com^{tee} of the house of representatives, at their former sessions, and a vote of the house thereupon that he be allowed the sum of one hundred and twenty pounds in full thereof, —

Ordered, That M^r Treasurer do pay unto the said John Arnold the s^d sum of one hundred and twenty pounds out of their majesties' treasury. [*Approved November 28.*]

CHAPTER 9.

REPORT OF A JOINT COMMITTEE OF THE COUNCIL AND REPRESENTATIVES UPON THE PRIVILEGES OF THE HOUSE OF REPRESENTATIVES.

THE REPORT of the Comittee appointed to Consider & Draw vp something Concerning what Priui^l^{*}leges belong to the house of Representatives Viz^t

* Manuscript mutilated.

1 That the said house may use & exersize such Powers & Priuileges here as the house of comons in England may & haue usually done there allways haueing Respect to their Majesties Roy^{*} charter & the Laws of this Prouince

2 That the said house haue an officer Comisionated by his Excellence the Gov^r To attend them when sitting in the quallity of a Messenger to serue such Presepts & exercise such Comands as the house by Warrant from the Speaker shall order for the better managment of the Great affaires of the Prouince & Regulating of their own house & what elce may be proper for them to enquire into

29.9.93.

THO : DANFORTH

JONATHAN CORWIN

NATHAN^{LL} THOMAS

PENN TOWNSEND

JOHN HOLBROOK

WILLIAM SCREVEN

WILLIAM HIRST

DAN^L ALLIN — [*Dated November 29.*]

CHAPTER 10.

ORDER FOR THE APPOINTMENT OF CHAPLAINS FOR THE GARRISONS AT WELLS AND YORK AND FOR ESTABLISHING THEIR PAY.

Ordered, That there be a chaplain allowed to the garison at Wells, and another at Yorke, and that there be paid unto each of them, out of their maj^{ties}' treasury, the sum of fifty shillings per month, from the time of their coming upon the place, over and above what shall be allowed them by the inhabitants. [*Approved November 30.*]

CHAPTER 11.

ORDER FOR ALLOWING FIFTY POUNDS, AND PLUNDER, TO THE SOLDIERS WHO SERVED UNDER CAPTAIN THOMAS COLTON AGAINST THE INDIAN ENEMY AT BROOKFIELD.

UPON A MOTION from the house of representatives, y^t there be fifty pounds and the plunder allowed unto the soldiers that served under Capt. Thomas Coulton against the Indian enemy, at the time when they lately comitted an outrage upon the inhabitants of Qua-boag, *alias* Brookfield, for the encouragement of such adventures and sucesful undertakings, considerable service being then done upon the enemy, —

Ordered, That there be paid out of their maj^{ties}' treasu^{ry} of the province, unto the officers and soldiers then employed, as a reward of their good service, the sum of fourty pounds, to the forty men that pursued the enemy; and the plunder recovered from the enemy to be equally shared amongst them, over and above the stated pay; and the sum of ten pounds to be equally divided among the twenty soldiers who remained in garrison at Brookfield. [*Approved December 4.*]

CHAPTER 12.

VOTE FOR SUSPENDING ACTIONS AT LAW AGAINST JOHN MARCH, CONCERNING THE FERRY BETWEEN NEWBURY AND SALISBURY, AND FOR NOTIFYING THE HEIRS OF GEORGE CARR TO APPEAR AND SHOW CAUSE WHY SAID FERRY SHOULD NOT BE CONFIRMED TO SAID MARCH.

UPON THE READING the petition of Capt. John March, and hearing his plea thereupon, —

Voted, That all suits and actions now depending between any persons and the said Capt. John March, referring to any matter or controversy about the ferry or ferries over the river of Merrymack between Newbury and Salisbury, be suspended; and that the court of Salem be directed to continue any action or actions so depending there until the general assembly have determined and resolved upon the settlement of the said ferry or ferries; and that the heirs of George Carr be notified that they may appear on the sixth day after the beginning of the next sessions of the general assembly, and there offer what plea and objections they have to make against the confirmation of the said ferry to the said Capt. John March. [*Approved December 5.*]

CHAPTER 13.

VOTE FOR APPROVING THE DRAUGHT OF AN INSTRUMENT FOR CONFIRMING THE PLANTATION OF WOODSTOCK TO JOSEPH DUDLEY AND OTHERS, PROPRIETORS. [*Approved December 5.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 14.

VOTE AND ORDER FOR ALLOWING ONE HUNDRED POUNDS TO ISAAC ADDINGTON, SECRETARY OF THE PROVINCE, FOR HIS EXTRAORDINARY SERVICES IN 1693.

THIS HOUSE taking into Consideration the Great Labour and trouble and Charge of Isaac Addington Esq^r Secretary of this Province and the inconsiderable reward (that hath accrued by the fees and perquisites) in proportion to his paines.

Voted That the s^d Isaac Addington Esq^r be allowed out of the Publick treasury the Sume of one hundred pounds for his Extraordinary Service in the year 1693 and pray that his Ex^{cy} and Councill will order it accordingly. [*Concurred in by the Council, and approved December 6.*]

CHAPTER 15.

ORDER APPOINTING A DAY FOR CONSIDERING THE PETITION OF THE TOWN OF TOPSFIELD AND THE REPORT OF A COMMITTEE THEREON RESPECTING THE BOUNDARIES BETWEEN TOPSFIELD AND IPSWICH. [*Approved December 8.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 16.

VOTE APPOINTING A COMMITTEE TO INQUIRE INTO THE DISPOSAL OF THE BILLS OF CREDIT EMITTED BY THE LATE COLONY, AND TO COMPLETE THE EXAMINATION OF THE ACCOUNTS OF THE LATE TREASURER OF THE COLONY, ETC.

Voted. That John Richards, James Russell and Samuel Sewall Esq^{rs} m^r Elisha Cooke, Captain Nathaniel Byfield m^r Richard Middlecutt Major Penn Townsend and Doct^r Daniel Alline or any Six of them be a Committee to inquire into & Examin how the fforty thousand pound Bills of Credit emitted by the late Colony of the Massachusetts were disposed of and paid out; As also to perfect the Examinacon of the acco^t of Jn^o Phillips Esq^r late Treasurer of s^d Colony and to make their Report to this Court at their next Siting.

The acco^t now presented to be lodged with the Secretary by him to be deliv^d unto the Order of s^d Committee when desired and by them to be return^d again into y^e Sec^{ry}^s office/. [*Approved December 13.*]

ORDERS, ADDRESS AND VOTES.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE FOURTEENTH DAY OF FEBRUARY, A.D. 1693-4.

CHAPTER 17.

ORDER FOR ALLOWING NINE POUNDS TO JOHN PAGE, JUNIOR, OF
GROTON, A WOUNDED SOLDIER.

IN CONCURRENCE with a vote of the representatives, that there be allowed unto John Page, jun^r, of Groton, wounded in their maj^{ties}' service, twelve pounds, for his cure and dyet during the time thereof, deducting out of said sum what he hath already received, which is acknowledged to be three pounds,—

Ordered, That M^r Treasurer pay unto the s^d John Page, or to his father, in his behalf, nine pounds, being the remainder of the above sum of twelve pounds. [*Approved February 27, 1693-4.*]

CHAPTER 18.

ORDER ESTABLISHING THE BOUNDARY BETWEEN THE TOWNS OF
IPSWICH AND TOPSFIELD. [*Approved February 28, 1693-4.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 19.

ADDRESS OF THE GENERAL ASSEMBLY TO KING WILLIAM AND QUEEN
MARY TO TAKE CHARGE OF THE FORTS AT PEMAQUID AND PORT
ROYAL. [*Reported by a joint committee, March 1, 1693-4.*]

[*Not found in the archives: see note at the end of this volume.*]

CHAPTER 20.

VOTE EXTENDING THE TIME ALLOWED TO THE TOWN OF BRISTOL FOR COLLECTING AND RETURNING A TAX, AND ORDERING THE PROVINCE TREASURER TO SUSPEND ISSUING HIS WARRANTS THEREFOR.

IN ANSWER to the Petition of Bristoll dē in to this house.

Voted (That the Warrant for Raising and Collecting the Second part of the Assessment of the thirty thousand pounds not being in their hands till Six months after the time.) That the s^d towne of Bristoll bee allowed six months time longer from this time before they bee Obliged to Collect and Returne the s^d Second part of the Assesm^t in to the treasury, and the treasurer is hereby Order'd not to Issue out Warrants According to the Extremity of the law till the s^d time bee Expired [*Concurred in by the Council, and approved March 1, 1693-4.*]

CHAPTER 21.

VOTE FOR EXTENDING THE TIME ALLOWED TO THE TOWN OF ENFIELD FOR PAYING AN ASSESSMENT LAID UPON THE TOWN.

A PETITION of the town of Enfield, in the county of Hampshire, with the vote of the house of representatives thereupon, was read, and, a concurrence therewith, —

voted that Enfield haue Six months time giuen them to pay the rates already Laid vpon them & that the Treasurer be notified thereof [*Approved March 3, 1693-4.*]

CHAPTER 22.

VOTE FOR ABATEMENT OF TAXES LAID ON THE TOWN OF DEERFIELD.

A PETITION of the town of Deerfield within the county of Hampshire, being the utmost frontier of that county, and much impoverished by the warr, was read, with the vote of the house of representatives thereupon, and, a concurrence therewith, —

Voted, That is to say, that they be abated their share or part of the next tax and until the court take further order. [*Approved March 3, 1693-4.*]

CHAPTER 23.

VOTE APPOINTING A COMMITTEE TO TAKE ACCOUNT OF GRAIN RECEIVED FOR TAXES BY THE CONSTABLES OF THE SEVERAL TOWNS IN HAMPSHIRE COUNTY.

voted

That Coll Pinchon Cap^t Patrigg, M^r Joseph Parson M^r Samuel Root & M^r Sam^l Porter or any three of them be a Committee to Call before

them the senerall Constables of the County of west hampshire from Octob^r 1689. till May 1692. and to take an acco^t of all graine, that within that time they haue Receiued for Rates in the senerall Townes & how disposed of & to Returne an acco^t of yr Doings therein to Majo^r John Phillips Late Treasurer by the first of June next that he may be enabled to Adjust the acco^{ts} with said Constables, [*Approved March 3, 1693-4.*]

CHAPTER 24.

VOTE,* FOR GRANTING ALLOWANCES TO THE JUSTICES OF THE SUPERIOR COURT OF JUDICATURE, FOR THEIR SERVICES DURING THE YEAR 1693.

Voted y^t y^e Hono^{rab}le W^m Stoughton Esq^r y^e Cheife Judge of this Province be allowed Out of y^e publick Treasu^{rie} of this Province y^e Sum of One Hundered Pounds for his Service as Chiefe Judge for y^e yeare past 1693

Voted That y^e Hono^{rab}le Thomas Danforth Esq^r John Richards Esq^r Waite Winthrop Esq^r Sam^l Sewell Esq^r shall Receive Out of the Publique Treasu^{rie} of this Province y^e Sum of fiftie pounds apeice for their Service as Judges in y^e yeare past 1693

March 3^d 1693^¼ *voted & passed* in the Affermative by the house of Representatiues

NATHA^l BYFIELD *Speaker*

* This vote of the representatives is inserted here because the Council seem to have practically concurred in it by ordering payments to be made in accordance therewith. A difference had existed between the House and the Council with regard to the action of the latter in voting certain appropriations and in establishing and ordering to be paid certain salaries of civil officers, without the concurrence of the representatives. Against this conduct the House had formally protested as a grievance, and a conference on the subject had been had by both branches at the request of the Governor. The rights of the House were finally conceded in an act passed by the next Assembly (1694-5, chap. 3), which contains, substantially, the provisions of a bill which was passed in the House of Representatives on the same day with the above votes, but which was not concurred in by the Council, probably on account of the dissolution of the Assembly on that day.

VOTES, LETTER, ETC.,

PASSED 1694-5.

LEGISLATIVE LIST

FOR

1694-5.

HIS EXCELLENCY SIR WILLIAM PHIPS, KNT.,*
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

WILLIAM STOUGHTON, Esq.,* †
LIEUTENANT- OR DEPUTY-GOVERNOR, ETC.

ISAAC ADDINGTON, Esq.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.

Of the inhabitants of, or proprietors of, lands within the territory formerly called the Colony of the Massachusetts Bay:—

WILLIAM STOUGHTON, Esq.,
NATHANIEL SALTONSTALL, Esq.,
BARTHOLOMEW GEDNEY, Esq.,
JOHN HATHORNE, Esq.,
ISAAC ADDINGTON, Esq.,
JONATHAN CORWIN, Esq.,
DANIEL PEIRCE, Esq.,
THOMAS DANFORTH, Esq.,
WAIT WINTHROP, Esq.,

ROBERT PIKE, Esq.,
ELISHA HUTCHINSON, Esq.,†
WILLIAM BROWNE, Esq.,
JOHN FOSTER, Esq.,
JOHN PYNCHON, Esq.,
JAMES RUSSELL, Esq.,
ELISHA COOKE, Esq.,
SAMUEL SEWALL, Esq.,
JOHN PHILLIPS, Esq.,

PETER SERGEANT, Esq.

* For the full title, see p. 5, *ante*.

† Phips was summoned before the Privy Council, to answer certain complaints against his administration. He embarked for London, November 17, 1694. On the fourth of December, following, Stoughton assumed the gubernatorial chair, by direction of the Privy Council conveyed in these words:—

“* * * and that you take upon you the government of our said Province during the absence of the s^d S^r William Phipps from thence or untill our further pleasure shall be signified concerning the same, according to our comission & Instructions granted unto y^e s^d S^r William Phipps & such further directions as you shall receive from us under our Signe Manuall and Signett or by our Ord^r in our Privy Councell during the absence of the s^d S^r Wm. Phipps our further pleasure shall be known as aforesaid.”—“*New England ; Board of Trade*,” vol. 35, p. 104, in *Public Record Office, London*.

Stoughton became acting governor, therefore, under a special authorization, and did not succeed Phips merely by virtue of his commission as Lieutenant-Governor.

‡ Hutchinson sailed for England in November, 1693. He does not appear in the records as present at the Council board until the fourteenth of September, 1694. He was not sworn with his associates, and no record of his subsequent qualification has been discovered.

Of the inhabitants of, or proprietors of, lands within the territory formerly called New Plymouth: —

| | |
|-------------------------|-------------------------|
| WILLIAM BRADFORD, ESQ., | BARNABAS LOTHROP, ESQ., |
| JOHN SAFFIN, ESQ., | JOHN THACHER, ESQ., |
| NATHANIEL THOMAS, ESQ. | |

Of the inhabitants of, or proprietors of, land within the territory formerly called the Province of Maine: —

| | |
|--------------------------|----------------------|
| FRANCIS HOOKE, ESQ., | CHARLES FROST, ESQ., |
| SAMUEL WHEELWRIGHT, ESQ. | |

Of the inhabitants of, or proprietors of, land within the territory lying between the river of Sagadahoc and Nova Scotia: —

JOSEPH LYNDE, ESQ.

NOTE. — On the twenty-eighth of November, 1693, the Assembly passed an act* which was published on the twelfth of December, following, and first operated in the choice of deputies to the present session. It provided "That not any town in this province shall choose any representative unless such be a freeholder and resident in that town or towns such are chosen to represent." The Governor accordingly refused to administer the qualifying oaths to five non-resident representatives chosen this year from as many towns. Each of these is noted in the following list.

REPRESENTATIVES OR DEPUTIES.

May 30, 1694 to March 16, 1694-5.

MR. NEHEMIAH JEWETT, SPEAKER.

| COUNTY OF SUFFOLK. | | COUNTY OF MIDDLESEX. | |
|--------------------|--|----------------------|---|
| <i>Boston,</i> | Maj. Penn Townsend, Edward Bromfield, Esq., Capt. Theophilus Frary, Mr. Timothy Thornton. | <i>Charlestown,</i> | Capt. Richard Sprague,§ Deacon John Cutler.¶ |
| <i>Roxbury,</i> | Mr. William Denison. | <i>Malden,</i> | Lieut. Joseph Willson. |
| <i>Dorchester,</i> | Lieut. Timothy Tilestone.† | <i>Cambridge,</i> | Capt. Samuel Chamney. |
| <i>Milton,</i> | Mr. Ebenezer Clap. | <i>Watertown,</i> | Capt. Benjamin Gearfield. |
| <i>Braintree,</i> | Mr. Caleb Hobart. | <i>Newton,</i> | Mr. John Ward. |
| <i>Weymouth,</i> | Capt. John Holbrooke. | <i>Sudbury,</i> | Capt. Thomas Browne |
| <i>Hingham,</i> | Capt. John Smith. | <i>Marlborough,</i> | Mr. Abraham Williams. |
| <i>Dedham,</i> | Capt. Timothy Dwight. | <i>Concord,</i> | Mr. Jonathan Prescott. |
| <i>Medfield,</i> | Mr. Samuel Barber ‡ | <i>Billerica,</i> | Capt. Ralph Hill. |
| <i>Wrentham,</i> | Mr. John Ware. | <i>Woburn,</i> | Deacon Samuel Walker.** |
| | | <i>Sherborn,</i> | Mr. Jonathan Whitney.†† |

* Province Laws, vol. I, 1693-4, chapter 14, § 5, *ante*. Hutchinson gives an extract from a contemporaneous letter, in which the writer declares that upon the passage of this act, "Sir William *** rushes into the house of commons and drives out the non-residents, and," he concludes, "I am much mistaken if either for estates or loyalty they left any of their equals in that house." — *Hist. Mass., vol. II., p. 79, note*.

† "Lieutenant," in the town records, but "Mr.," in the Secretary's list.

‡ Capt. Thomas Dudley, of Roxbury, was first chosen, but was rejected by the Governor, for non-residence.

§ Erroneously named "John," in the Secretary's list.

¶ Erroneously named "Richard," in the Secretary's list: the Christian names of the Charlestown representatives were inadvertently transposed by the Secretary.

|| "Lieutenant," in the town records, but "Captain," in the Secretary's list.

** "Deacon," in the town records, but "Mr.," in the Secretary's list.

†† Whitney's name is not in the Secretary's list; but he took and subscribed the oaths.

COUNTY OF MIDDLESEX — *Concluded.*

Reading, Capt. Jeremiah Swayne.
Chelmsford, Mr. Cornelius Waldo.*

COUNTY OF PLYMOUTH.

Plymouth, Mr. William Shurtleff.†
Marshfield, Mr. Samuel Sprague.
Scituate, Mr. Samuel Clap.
Duxbury, Mr. John Wadsworth.
Bridgewater, Mr. David Perkins.

COUNTY OF ESSEX.

Salem, Capt. Samuel Gardner,‡
 Capt. Manasseh Marston.
Lynn, Capt. John Burril, jun.
Marblehead, ———§
Beverly, Lieut. Andrew Elliott.¶
Wenham, Capt. Thomas Fiske, senior.||
Ipswich, Mr. Nehemiah Jewet,
 Sergeant Thomas Hart.
Gloucester, Mr. James Stevenes.
Rowley, Mr. John Peirson.
Newbury, Capt. Thomas Noyes,**
 Capt. Stephen Greenleaf.**
Amesbury, Capt. Thomas Harvey.
Haverhill, Quartermaster Daniel Lad.††
Andover, Capt. Thomas Chandler.

COUNTY OF ESSEX — *Concluded.*

Salisbury, Cornet Richard Holbard.‡‡
Topsfield, Mr. Thomas Baker.§§

COUNTY OF YORK.

Kittery, Mr. William Screven.
York and Wells, Capt. Ezekiel Rogers.

COUNTY OF HAMPSHIRE.

Springfield, Mr. Nathaniel Bliss.¶¶
Hadley, Mr. George Stillman.||||
Northampton, Mr. Joseph Parsons.
Hatfield, Mr. Samuel Partrigg.***

COUNTY OF BARNSTABLE.

Barnstable, Mr. John Otis.
Sandwich, Mr. Stephen Skeffe.†††
Yarmouth, Mr. Thomas Sturgis.

COUNTY OF BRISTOL.

Bristol, Mr. John Cary.†††
Rehoboth, Mr. Stephen Paine.
Taunton, Capt. Thomas Leonard.
Swansey, Mr. Ebenezer Brenton.§§§
Little Compton, Mr. William Fobes.

ISLAND OF CAPAWOK *alias* MARTHA'S
VINEYARD.

Mr. Matthew Mayhew.

EBENEZER PROUT, *Clerk.*

JAMES MAXWELL, *Doorkeeper, and Messenger to the Council.*

HENRY EMMES, *Messenger of the House of Representatives.*¶¶¶

* Capt. Timothy Clarke, of Boston, was first chosen, but was rejected by the Governor, for non-residence.

† The town chose John Sturtevant, April 30th.; but, he refusing to serve, Shurtleff was chosen in his place, on the fourteenth of May.

‡ Capt. Gardner was chosen at the same time with Marston, but for some reason, not discovered, he was not sworn until September 5th. His name is not in the Secretary's list.

§ Capt. Samuel Legg, of Boston, was first chosen, but was rejected by the Governor, for non-residence. He was not sworn, nor has any evidence been found that another was chosen in his place.

¶ "Lieutenant," in the town records, but "Mr.," in the Secretary's list.

|| "Thomas Fiske, senior," in the town records.

** Noyes was chosen to serve "for the whole year," and Greenleaf, "for the first session."

†† "Quartermaster," in the town records.

‡‡ "Cornet," in the town records.

§§ On the eleventh of May, the town voted not to send a deputy, "not knowing but that they might be excused by law;" but on the fourth of June they met again, and chose Baker.

¶¶ Capt. Benjamin Davis, of Boston, was first chosen, but was rejected by the Governor, for non-residence.

|||| Not in the Secretary's list, although he took and subscribed the oaths.

*** Chosen April 14th. but did not take the qualifying oaths until the tenth of September. His name is not in the Secretary's list.

††† He was sworn, but is not in the Secretary's list.

‡‡‡ Capt. Nathaniel Byfield, of Boston, was first chosen, but was rejected by the Governor, for non-residence.

§§§ By the town records it appears that, on the fourth of June, by virtue of a warrant from Mr. Speaker Jewett, dated June 2nd., Mr. Hezekiah Luther was chosen to represent the town. It does not appear whether he was chosen to serve jointly with Brenton, or as his successor, after the latter had resigned or become disqualified; but it is believed that Brenton was, at that time, a resident of Bristol. He, however, took the qualifying oaths, which Luther does not appear to have done.

¶¶¶ See note on p. 30, *ante*.

VOTES AND LETTER

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRTIETH DAY OF MAY, A. D. 1694.

CHAPTER 1.

VOTE FOR GRANTING FIVE HUNDRED POUNDS FOR EQUIPPING, ETC.,
THE PROVINCE GALLEY.

A VOTE of the house of representatives for the grant of five hundred pounds for the fitting up and setting forth of the galley lately built* to cruise upon the coasts for the better securing of trade and navigation was presented and read. [*Passed June 1.*]

CHAPTER 2.

VOTE OF THE COUNCIL† APPOINTING A COMMITTEE TO THANK SAMUEL
WILLARD FOR HIS ELECTION SERMON.

SAMUEL SEWALL and Peter Sergeant, Esq^{rs}., were nominated and appointed to return the thanks of this board unto M^r Samuel Willard for his sermon preached on Wednesday last at the opening of the general court. [*Approved June 1.*]

CHAPTER 3.

VOTE‡ APPOINTING A COMMITTEE TO HEAR THE SELECTMEN, ETC.,
OF CAMBRIDGE AND NEWTON, RESPECTING THE OBLIGATION OF
SAID TOWN OF NEWTON TO CONTRIBUTE TO THE REPAIRS OF THE
GREAT BRIDGE OVER CHARLES RIVER.

UPON READING the petition of the selectmen of Cambridge, praying that the inhabitants of Newtown may be called before this court, to give the reasons of their denial to joyne with and contribute their just share

* See Province Laws, Acts of 1693-4, chap. 13, and 1694-5, chap. 1, § 5. This grant by the representatives, although it does not appear to have been expressly concurred in by the Council, is inserted here, because the Council practically concurred in it by disbursing the granted sum according to this vote of the House.

† See 1693, vote, chapter 1, and note, *supra*.

‡ The only circumstance from which it can be inferred that the Lieutenant-Governor signed the above vote, is that the committee acted under this appointment. Their report was made June 13; but the vote of the Council thereupon was not concurred in by the House.

and dues to the work of upholding the great bridge over Charles River in Cambridge, —

Voted, That John Pyncheon and Nathaniel Saltonstall, Esq^{rs}, be and are nominated and appointed, together with Capt. John Holbrooke, Major Penn Townsend and Mr. W^m. Screven, of the representatives, a committee to hear what may be alledged by the selectmen or others of the town of Cambridge, in behalf of said town, relating to any agreem^t or obligation they have upon the inhabitants of Newtown, to contribute towards the charge of making or maintaining the said bridge, and that the selectmen of Newtown be notified thereof, and the time of the committee's meeting upon Tuesday next, the twelvth of June instant, that they also may be heard; the said committee to make their report to this court. [*Passed June 6.*]

CHAPTER 4.

VOTE FOR INDEMNIFYING THE OWNERS OF A KETCH, IN CASE OF HER LOSS WHILE EMPLOYED IN THE PUBLIC SERVICE.

WHEREAS, with his Ex^{cy}'s licence, some gentlemen of Salem are sending out a small ketch unto S^t. John's River, and parts adjacent, for the fetching off some of their people lately taken prisoners by a French privateer and carried thither, his Ex^{cy}. having dispatched an express by them unto Captⁿ. Thomas Taylor, commander of their maj^{ties}' ship Nonesuch for their maj^{ties}' service, —

Voted, That in case the said ketch happen to miscarry by reason of her carrying the said express, that then the publick bear the loss of her. [*Approved June 12.*]

CHAPTER 5.

VOTE FOR ALLOWING ABATEMENTS, ETC., ON ARREARS OF FORMER PROVINCE TAXES.

THE REPORT of the committee formerly appointed by this court to hear and receive the pleas and allegations of towns, constables and particular persons, for allowances and abatements on the arrears of the former public assessments, having been presented and acted upon in the house of representatives, was read, and, —

Voted, in concurrence with that house. [*Approved June 18.*]

CHAPTER 6.

VOTE FOR GRANTING AN ALLOWANCE TO INCREASE MATHER, LATE AGENT FOR THE PROVINCE, TO BE PAID OUT OF THE NEXT PROVINCE TAX.

Voted, that y^e Reurd m^r Increase Mather be pay^d the sum of fifty pounds out of the publick Treasury of this Province over and above the Hundred pounds he hath already received, as a gratification for his service in his late Agency; in England.

And that the fifty pounds which s^d m^r Mather took up in England belonging to the Fellows of Harvard Colledge be payd —

And pray his Excellencie and Council to order the same accordingly out of the next Tax necessary supplies for souldiers &c being first made [*Concurred in by the Council, and approved June 19.*]

CHAPTER 7.

VOTE FOR GRANTING ALLOWANCES TO ELISHA COOKE AND THOMAS OAKES, LATE AGENTS FOR THE PROVINCE, TO BE PAID OUT OF THE NEXT PROVINCE TAX.

Voted That Elisha Cook Esq^r & m^r Tho : Oakes be paid the Sum of one hundred pounds a peice out of the Publick Treasury of this Province as a Reward for their service in their Late agency in England over & above what hath been already allowed them and pray his Ex^{cy} & Council to order the same accordingly, out of the next Tax necessary supplies for sould^{rs} &c being first made. [*Approved June 19.*]

CHAPTER 8.

VOTE FOR GRANTING AN ALLOWANCE TO ICHABOD WISWALL, LATE AGENT FOR THE PROVINCE, TO BE PAID OUT OF THE NEXT PROVINCE TAX.

Voted That m^r Icabod Wiswell of Duxburrough be paid the sum of sixty pounds out of the publick Treasury of this Province as a gratification for his service in a voyage to England at y^e desire of y^e late Governmt and pray his Excy and Council to order the Same accordingly out of the next Tax necessary supplies for souldiers &c being first made [*Approved June * 19.*]

CHAPTER 9.

VOTE FOR GRANTING ALLOWANCES TO ELISHA COOKE AND THOMAS OAKES, LATE AGENTS FOR THE PROVINCE, TO BE PAID OUT OF THE NEXT PROVINCE TAX.

WHERAS it appears by the acco^t of Elisha Cook and Tho. Oakes Esqrs that they Received of m^r Stephen Masson of Lond^o Merch^t the sum of one hundred pounds Sterli in their late agency for which their Bonds are out to Repay at Six ~~p~~ Cent Intrest for for bearence and that there Remaines due to s^d m^r Oakes upon a form^r vote in part of fifty pounds to be paid his family in his absence the Sum of twenty pounds and that m^r Elisha Cook hath disburst^d Thirty seven pounds ten shillings for their passages and accomodations in their voyage from England.

Voted That the Sum of one hundred pounds sterli and the Intrest and the other two Sum^s of twenty pounds & thirty seven pounds ten

* "July," in the original; but evidently a clerical error.

shilli be paid the s^d m^r Elisha Cook & m^r Tho. Oakes out of the Publick Treasury of this Province, out of the next Tax necessary supplies for souldiers &c being first made and pray his Ex^{ty} & Council to order the Same accordingly. [*Approved June 19.*]

CHAPTER 10.

VOTE FOR GRANTING AN ALLOWANCE TO AMBROSE DAWES, A WOUNDED SOLDIER.

IN ANSWER to the Petition of Ambrose Dawes

Voted that he be allowed Ten pounds out of the Publick Treasury in Consideration of Damage susteined In their mat^{ies} service by the loss of one of his Eyes and that he Come not for any farther satisfaction. [*Approved June 19.*]

CHAPTER 11.

VOTE FOR GRANTING AN ALLOWANCE TO ANDREW HAMILTON, POST-MASTER-GENERAL OF NORTH AMERICA, FOR THE ENCOURAGEMENT OF THE POST-OFFICE.

UPON READING the petition of Dunean Campbell in behalf of Andrew Hamilton, Esq^r, postmaster-general of North America, praying that some salary may be paid out of the public revenue of this province towards the support of the said office for some time, —

Voted, in concurrence with the representatives, that, for the encouragement of the said post-office, there be paid out of the public treasury of this province, unto the said Andrew Hamilton, Esq^r, the sum of twenty-five pounds per annum, for the space of two years next ensuing. [*Approved June 20.*]

CHAPTER 12.

LETTER FROM THE GOVERNOR, COUNCIL AND REPRESENTATIVES TO THE LORDS OF THE PRIVY COUNCIL, ON THE PETITION OF SIR MATTHEW DUDLEY.

To the Right Hon^{ble} the Lords of their
Maj^{ties} Most Hon^{ble} Privy Council

May it please yo^r Lord^{sh}

With our most humble & thankfull acknowledgem^t of yo^r Lords^{sh} great fanour to their Maj^{ties} Subjects in New-Engl^d in giueing any of them (Soe remote) an Opertunity to Suggest to yo^r Lords^{sh} the Inconveniencies w^{ch} may attend the passing a Charter of Incorporation for the raising & gaining of Copper & all mine & mineralls as well Royall as other in New Engl^d & places ajacent, to Plant & Raise Hemp & flax to dig make & Provide Salt Peter, Salt, Pietch, Tar, Rozin, Masts & Other Naval stores to deale & trade therin & in other the Comodity's of those Countreyes & to Purchase Lands of Indians or

any other inhabitants in America wth the Libertys Priuiledges & Powers prayed by S^r Math. Dudley S^r Hump. Edwin & diuers others, In obedience to yo^r Lords^{pp^s} direction Signified to vs by our Worthy ffreinds S^r Hen. Ashhurst & m^r Con: Phips

Wee doe wth al humility Lay before yo^r Lords^{pp^s} That M^r Atturney Gen^l haueing in his report to the Right Hon^{ble} the Lords of the Comittee for Trade & Plantations Certified the In Consistancy of the Petitioned Grant wth y^e Royal Charters already Granted by their Present Maj^{tis} & their Royal Predisessors. to the Sever^{ll} Provinces & Collonyes in New Engl^d & Places adjacent; Alsoe how Prejudicial the Priuiledges & Powers prayed for might be to their Maj^{tis} Intrest wth respect to the Govern^t of the Count^y & otherwayes And that therefore the Petitioners have Waved, Declined & doe not Insist on most of the ten heads proposed for their Charter Yet Pray to be Incorporated wth such Capacitys Libertys & Powers as is Set forth in y^e said Report & abovementioned

Wee shall Only further offer to yo^r Lords^{pp^s}

That all their Maj^{tis} Subjects either Singlely or in Comp^a in joynt stocks haue & always had free liberty of Trade, fishing, Building ships Working raiseing & Gayng Such Comodity as they thinck Meett, & their ships when distressed haue been releived Supplied & Secured to them, & are vnder noe restraint therein Other then the Acts of Parliament for trade & Navigation — And we Humbly Conceive that for the Better gaining the Comoditys mentioned & at Easier Rates it is Requisitt that the Petitioners be wth respect to Trade & ^a in Equal Condition & vpon the Same Levell wth other their Maj^{tis} Subjects Otherwise wth soe great a Stock as is proposed the Trade of the Country will Soon be Ingroeced & the Comoditys thereby Advanced to the vtter Ruin of the first Planters. who that they might ffree themselves from the Yoake of Arbitrary Power then Prevailing & to Augment the Dominions of the Crown of Engl^d at their Own Cost Transported themselves & familys into this Wilderness, Subdued Planted, Governed & wth their lives & Estates Defended and are still to their great Impoverishing defending it ag^t their Maj^{tis} Cruel & Treacherous Enemies & Consequently all other Traders will be Discouraged w^{ch} must needs be very Pejudicial to their Maj^{tis} & the *] Nations Intrest —

And should the Petiti^{oⁿ} be Incorporated they can make noe Settlem^t to accomplish the ends propounded wthout Acquireing to themselves Considerable Trackts of Land, & Many of their Maj^{tis} Subjects heretofore not being Soe Carefull as to Secure their Titles to there Lands ag^t the Strickt & Narrow Inquisition of the Law & in many Places hold them by litle better then bare Possession & many of them by the distressing Wars wth the Indians driven out of their Possessions for sever^{ll} yeares & how Long they may Soe Continue God only knowes; Now if the Petiti^{oⁿ} can but inable themselves to make but a prete[nce]* of title to such Lands or any Other Estate who will be soe hardy & Dareing or can Probably be able to wage Law & Cope wth soe Opulent a Corporation —

That the first Planters of the Collonys in New Engl^d were soon made senceible of y^e great Inconveniencys and Mischeifs that acrued to them by the liberty so^me persons Tooke to Purchase Land of the Indians whereby the settling of Townships in Convenient Places was hindered & themselves drawn into Littigious Suits & Controversyes by reason of the many pretended & vncertain Titles of the Natives And therefore did for prevention therof Provide by a Law that noe Purchase of Lands

* Manuscript mutilated.

from the Indians should be Good & Vallid in the Law wthout Lisence first had & Obtained from the Gent^l Court of the respective Collony for the perticuler Trackt soe intended to be Purchased; And should that Good & wholesome Establishm^t be voided either by Grant to the Petiti^os or otherwise many familys & indeed whole Towns Might thereby be vtterly ruined or att best embroyled in Endles Contests.

Wherefore We humbly depend upon their Maj^{ties} Grace and Favour That these their Planta^{cons} already labouring under heavy pressures may not by such a Grant be discouraged, and necessitated to conflict with y^e manifold inconveniences consequent thereof as is herein before briefly hinted at & otherwise all w^{ch} is humbly submitted by

Yor Lord^{shps} most humble & obedient servants.

The Gov^t Council and Assembly of their Maj^{ties} Province of the Massachusetts Bay in New England. [*Signed by the Governor, and by the Speaker in the name and by order of the Representatives, June 20.*]

CHAPTER 13.

VOTE FOR GRANTING AN ALLOWANCE TO WILLIAM BLATHWAYT, AUDITOR-GENERAL, IN ENGLAND, FOR HIS SERVICES IN PASSING THE ACCOUNTS OF THE PROVINCE.

Voted, and Granted/. That there be paid unto the Hon^{ble} William Blathwayt Esq^r their Maj^{ties} Auditor General, the Sum of One hundred pounds Sterl. for his Service referring to the passing of the accompts of this Province. And his Exe^y. and Council are desired to take care that it be accordingly remitted and presented to him, m^r Treasurer to make provission for the same out of the Publick Revenue/. [*Approved June 21.*]

CHAPTER 14.

VOTE FOR GRANTING ALLOWANCES TO SIR HENRY ASHURST AND CONSTANTINE PHIPPS, FOR SERVICE PERFORMED IN ENGLAND FOR THE PROVINCE.

Voted and Granted, That there be paid unto S^r Henry Ashhurst Baronet and m^r Constantine Phipps the Sum of One hundred pounds Sterl. Each, in Acknowledgement of their kindness and Service in appearing and interesting themselves in the Affayres of this Governm^t in England; And that two hundred pounds Sterl. more be put into the hands of the said Gent^l to Enable them to pursue the same as there shall be occasion. And his Exe^y and Council are desired to take care that the s^d moneys be remitted unto them out of the publick Revenue of this Province with so much advance as is necessary to make the difference of money betwixt this place and England. [*Approved June 21.*]

CHAPTER 15.

VOTE FOR ORDERING THE IMMEDIATE COLLECTION OF ARREARS OF TAXES IN HAMPSHIRE COUNTY, EXCEPT IN ENFIELD AND SOUTHFIELD.

A REPORT of a committee of the house of representatives, with the vote of the house thereon, for stating the acc^{ts}. of the arrears of rates of the several towns in the county of Hampshire, and the ballance due from all the said towns, amounting to eighteen hundred fifty-seven pounds three shillings and a penny, as stated by the said committee, to be forthwith paid in to the treasurer in money or bills of credit or otherwise to his content, all except Enfeild and Southfeild, which are suspended until the sessions of this court in May, 1695; and that

Stebbins, late constable of Springfield, when their proportion to the rate of £24,000, was assessed, be and is ordered and obliged to collect the same, was read and, —

Voted, in concurrence with the representatives. [*Approved June 21.*]

CHAPTER 16.

VOTE FOR POSTPONING PAYMENT TO THE PROVINCE TREASURER OF ARREARS OF TAXES COLLECTED BY SIMON WILLARD, A CONSTABLE OF SALEM.

A VOTE of the house of representatives that the treasurer do forbear Capt. Simon Willard, one of the constables of Salem, in the year 1690, for about thirty pounds of the assessment committed to him, standing out in arrears, untill May, 1695, was read, and, —

Agreed to by the vote of the council. [*Approved June 21.*]

CHAPTER 17.

VOTE FOR AUTHORIZING THE GOVERNOR AND COUNCIL TO TAKE MEASURES TO RENEW FRIENDSHIP WITH THE MAQUAS AND OTHER WESTERN INDIANS, AND FOR DEFRAYING THE EXPENSES OF AGENTS, ETC., FOR THAT PURPOSE, AND FOR REQUESTING THE COÖPERATION OF CONNECTICUT THEREIN.

Voted, That it be left with y^e Gov^r and Council to take such proper Measures as they shall thinke most advisable to renew the ancient friendship alwaies continued betwixt their Maj^{ties} Subjects of this Province &^a and the Maquas and other Nations of the Western Indians, and to Imploy and Instruct two meet p^{ersons} to transact with them and a Present to be made them not exceeding two hundred pounds; which together with the incident charges attending is Granted to be defreyed out of the Publick Revenue and that the Government of Connecticutt be applyed to for their joyning and assisting in this affayre. [*Approved June 22.*]

CHAPTER 18.

VOTE* FOR GRANTING AN ALLOWANCE TO JAMES TAYLOR, TREASURER OF THE PROVINCE, FOR HIS SERVICES DURING THE PREVIOUS YEAR.

Voted That the Treasurer m^r James Taylor be allowed & paid two hundred & fifty pounds for his labour & pains in his last years service. [*Approved June 22.*]

CHAPTER 19.

VOTE FOR APPOINTING A JOINT COMMITTEE TO AUDIT AND RECTIFY ERRORS IN THE OFFICIAL ACCOUNTS OF JOHN PHILLIPS, LATE TREASURER OF THE COLONY, AND TO GIVE HIM A DISCHARGE, ETC

Voted That James Russell, Elisha Cooke, Samuel Sewall and John Foster Esq^{rs} with m^r Richard Middlecutt Captain Nathaniel Byfield, Major Penn Townsend and m^r James Taylor Be and hereby are appoint^d and Impowred a Committee to revise the accompts of the Treasury of the late Colony of the Massachusetts, and to rectify all such Erro^{rs} & mistakes as shall appear therein; which were not taken notice of by the former Committees or otherwise, and upon adjusting of the s^d accompts to Signe and Seal a discharge to John Phillips Esq^r late Treasurer, takeing sufficient Bond of him to make good whatsoever shall be made appear to have been received by him or his Order and not accompted for [*Approved June 22.*]

* By the Council Records this vote appears to have been signed by the Governor, June 22; but the original vote in the archives (vol. 100, p. 473) is not signed, and bears date June 6. The inference is that the Governor did not declare his assent until sixteen days after its passage, and then may have signed the Secretary's minutes—a practice not uncommon.

VOTES

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE FIFTH DAY OF SEPTEMBER, A. D. 1694.

CHAPTER 20.

VOTE FOR NOTICE TO THE SELECTMEN OF WATERTOWN, UPON A PETITION FOR LIBERTY TO ERECT A MEETING-HOUSE IN THE WEST END OF THAT TOWN, AND APPOINTING A COMMITTEE TO HEAR THE SAID SELECTMEN AND THE PETITIONERS. [*Approved September 7.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 21.

VOTE FOR A COMMITTEE TO RUN THE BOUNDARY LINES BETWEEN CONCORD, CHELMSFORD, BILLERICA, WAMESIT, AND THE BLOODS' FARMS, ETC., AND TO REPORT WHETHER THEY FIND ANY UN-GRANTED LANDS REMAINING THERE. [*Approved September 11.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 22.

VOTE FOR EXEMPTING THE ST. JOSEPH, A PRIZE SHIP, AND HER CARGO FROM ALL DUTIES AND IMPOST.

UPON READING the Petition of Captain Robert Glover Commander of the Sloop Dragon a Private man of War on behalfe of himselfe and the Owners and Company of said Sloop; Praying the ffavour of this Court, That a Prize Ship named the S^t Joseph, Laden with Wine, Brandy and other Merchandizes, lately taken by them from the Subjects of the French King in the mouth of Canada River, and brought into this Province, may be freed from all such Imposts and Duties as are imposed and laid upon all or any part thereof by any Law of this Province. —

Voted, That the said Prize Ship with all the Goods Wares and Merchandizes taken in her, be discharged and freed from all Dutys and Impost required by any Act of this Government/. [*Approved September 14.*]

CHAPTER 23.

VOTE FOR SENDING TO LONDON A SHIPLOAD OF NAVAL STORES FOR THEIR MAJESTIES' SERVICE, AND FOR A COMMITTEE TO PROCURE THE SAME.

UPON READING a Letter from the R^t Hono^{ble} y^e Lords of their Maj^{ties} most Hon^{ble} Privy Council, directed unto the Govern^r Deputy Govern^r Council and General Assembly, to Encourage and assist the proposals made by S^r Henry Ashhurst and S^r Stephen Evance, within One year if possible to bring to the Port of London for their Maj^{ties} Service a Ship Load of Pitch, Tarr, Rozin, Plank and knee Timber; with an account attested under the hands of y^e Governo^r and Assembly, what Quantitys thereof they will undertake to send Yearly,

Voted, That A Ship Load of the Naval Stores above-mentioned, be provided with what Speed may be at the charge of the Publick, to be sent within y^e Compass of the Year if possible And that Col^o Gedney, Col^o Hutchinson, Major Walley and m^r Treasurer be a Committee to procure the said Stores, and a Ship to transport them; And that m^r Treasurer be Enabled to pay for the same /. [*Approved September 18.*

CHAPTER 24.

VOTE FOR ABATING THE SUM OF FIFTY POUNDS ERRONEOUSLY ASSESSED UPON THE TOWN OF HADLEY IN THE TAX ACT PASSED BY THE ASSEMBLY AT THE SESSION BEGUN AND HELD ON THE SECOND DAY OF MARCH, A.D. 1692-3.

UPON CONSIDERATION of y^e Assessm^t to y^e 30000 Tax Upon y^e Town of Hadly & findeing a Reall Ero^r Overchargeing them fiftie pounds

Voted, that y^e s^d Town be abated s^d Sum of fiftie pounds & the former Vote of this house abateing y^m but thirtie pounds of s^d Ero^r is Null & voyde, [*Approved September 21.*

CHAPTER 25.

VOTE FOR APPROPRIATING FOUR HUNDRED AND EIGHTY POUNDS, FOR PROCURING NAVAL STORES, ETC.

FOR THE BETER INABLEING the Treasurer to procure A Shipload of Navall Stores ordered By this Court to be Sent to England.

voted that fouer hundred & Eighty pounds that is yet Remaining of the Six hundred Senenty five pounds New England money which was ordered to be Remitted to S^r Henry Ashurst be Improued to the End aboue s^d & that the Treasurer out of the Tax now Granted doe make vp the s^d Sum one thousand pounds or there abouts [*Approved September 21.*

VOTES, ORDERS AND ADDRESS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE SIXTEENTH DAY OF OCTOBER, A. D. 1694.

CHAPTER 26.

VOTE FOR APPROVING THE ACCOUNT OF THE COMMISSIONERS TO
ALBANY, ETC.

THE ACCOUNT of the commissioners lately employed to Albany, amounting to the sum of ninety-nine pounds twelve shill^{ss} and sixpence, being laid before the court by Samuel Sewall, Esq^r, and Major Penn Townsend, two of the said commissioners, was presented, —

Voted and approved of, to be paid out of the publick treasury.
[*Approved October 19.*]

CHAPTER 27.

VOTE FOR ABATING TWENTY POUNDS ASSESSED ON THE TOWN OF
WENHAM IN THE PREVIOUS TAX ACT

Voted that the Town of Wenham being by a mistake in the form^r Tax over Rated they shall be allowed twenty pounds in the next assessm^t that shall be graunted. [*Approved October 19.*]

CHAPTER 28.

ORDER DIRECTING THE PROVINCE TREASURER TO ISSUE TO THOMAS METCALF AND SAMUEL GUILD WARRANTS FOR COLLECTING ARREARS OF TAXES IN THE TOWN OF DEDHAM, AND REQUIRING THE TOWN TO PAY THEM FOR THEIR SERVICES.

WHEREAS Thomas Metcalfe and Samuel Guild were formerly appointed and Impowred Collectors within the Town of Dedham to gather in the arrears of all such Rates as were committ^d unto James

Thorp Constable of s^d Town dece^d But have not hitherto been Enabled by any warrant to collect the same or to make distress in case of default.

Ordered, That m^r Treasurer do grant his warrant unto the said Collectors for the gathering in of the s^d Arrears containing such powers and Authority & as the Laws provide for the gathering in of any Assessments since made, And that the Town do make them reasonable allowance and Satisfaction for their trouble & Service in this Affayre. / [*Approved October 19.*

CHAPTER 29.

VOTE FOR ALLOWING TWENTY POUNDS TO THE TOWN OF LANCASTER, TO REIMBURSE EXPENSES OF FORTIFYING, ETC.

Voted, In concurrence with the house of representatives, that the town of Lancaster, a frontier, in consideration of their great charge of fortifying themselves, be allowed the sum of twenty pounds out of the tax lately granted. [*Approved October 20.*

CHAPTER 30.

VOTE FOR ABATING TWENTY-FIVE POUNDS ASSESSED ON THE TOWN OF GROTON IN THE PREVIOUS TAX ACT, AND FOR POSTPONING THE PAYMENT OF THE REMAINDER.

UPON READING the Petition of the Inhabitants of Groton Setting forth their great distress and impoverishm^t by reason of the desolations made upon them by the Enemy. Praying to be Eased and abated of their proportion to the last publick Tax or Assessm^t amounting to the Sum of Fifty pounds.

Voted, That the said Town be abated one halfe of the afores^d Sum of Fifty pounds, and that m^r Treasurer do Suspend the calling for the other halfe until the Fifteenth day of December next. The Assessors forthwith to proportion the same upon their Inhabitants and to commit the List thereof unto their Constables, that so they may be collecting [*Approved October 22.*

CHAPTER 31.

VOTE FOR POSTPONING PAYMENT OF THE TAX ASSESSED UPON THE TOWN OF OXFORD, IN THE PREVIOUS TAX ACT.

IN ANSWER to the petition of the Constable of Oxford
voted That the Treasurer suspend the Calling in the last Tax laid on s^d town of Eight pound six shillings till may court next [*Approved October 23.*

CHAPTER 32.

VOTE FOR ABATING TO THE TOWNS OF YORK, KITTERY AND WELLS
THEIR PROPORTION OF THE LATE PROVINCE TAX.

UPON A REPRESENTATION made of the impoverishment of the County of Yorke by reason of the great desolations made upon them lying Frontier to y^e Enemy, and the Inhabitants there being taken off from their buisness, and constantly upon duty for their defence

Voted and Granted, That the seuer^l Towns of Yorke Kittery & Wells be abated their respective proportions to y^e late Tax or Assessment. [*Approved October 23.*]

CHAPTER 33.

VOTE FOR ALLOWING TWENTY-TWO POUNDS EIGHT SHILLINGS TO
CAPTAIN SAMUEL WHITE, TO BE DEDUCTED FROM HIS PROPOR-
TION OF PROVINCE TAXES.

UPON READING the petition of Capt. Samuel White praying an allow-
ance for himselfe and twenty-six troopers under his command, imployed
in their maj^{ties} service for the defence of the frontiers, and for
labour and charge of himself and several men employed about the
casting of great shot for their maj^{ties} service, —

voted that the sum of twenty two pound Eight shillings be allowed
to Cap^t Sam^l white out of his p^{ro}portiō to y^e sever^l p^{ro}vine Rates that
are or shall hereafter be laid upon him: vntill y^e sum aboves^d be
sattisfied [*Approved October 26.*]

CHAPTER 34.

VOTE AUTHORIZING A COMMITTEE TO ENGAGE FOR THE TRANSPOR-
TATION OF NAVAL STORES TO ENGLAND, AND DIRECTING THE
PROVINCE TREASURER TO PAY FOR THE SAME.

Voted, That Col^o Bartholomew Gedney, Col^o Elisha Hutchinson,
Major John Walley, and m^r Treasurer the Committee appoint^d by this
Court to provide a Ship Load of Naval Stores to be sent into England.
Be and are hereby Empowred* to take effectual care for the speedy
transportation of the same by takeing up or agreeing for a sutable
Ship upon hire, ffreight or otherwise interesting the Province therein on
the best Terms they can, and in such manner as they in their prudence
shall judge most for advantage of the Publick, And that m^r Treas-
urer by order of the Governo^r with advice of the Council do disburse
and pay out of the late Tax the Sum of One Thousand pounds (or
more) if needed to Effect the same, for the cost of the said Stores,
and towards their Transportation (including the Sum of ffour hundred
and Eighty pounds remaining of the monys formerly Ordered to be
remitted unto S^r Henry Ashhurst.*) according to a former Vote of this
Court. [*Approved October 27.*]

* In the copy of records in the State Library, the former of these words is "appointed,"
and the latter is "Ashurst."

CHAPTER 35.

VOTE FOR ABATEMENT OF TAXES COMMITTED FOR COLLECTION TO JAMES SAMSON AND LETTIS JENERY, LATE CONSTABLES OF DARTMOUTH.

UPON READING the Petition of James Sanson and Lettis Jenery late Constables of Dartmouth, Praying an allowance and abatem^t upon y^e arrears of the Rates formerly committed unto them by reason of divers of the Inhabitants of y^e s^d Town being removed and others rendered uncapable to pay.

Voted, That the Sum of nine pounds one shilling and Eight pence of the proportion committed unto s^d Sanson be sunk upon the Province, and the s^d Town of Dartmouth are judged to make good, and assess their Inhabitants for Six pounds more of his proportion; As also the Sum of five pounds Eight shillings and ten pence of that part or proportion committ^d unto s^d Lettis Jenery. And that the Treasurer make up accompts with them accordingly, and grant warrants to y^e Selectmen or assessors of s^d Town to assess what is hereby judged to be the Towns due, as by a former act of this Court is provided. [*Approved October 27.*]

CHAPTER 36.

ADDRESS BY THE COUNCIL AND REPRESENTATIVES, TO KING WILLIAM AND QUEEN MARY. [*Ordered to be signed, October 31.*]

CHAPTER 37.

VOTE FOR ALLOWING ONE HUNDRED POUNDS TO ISAAC ADDINGTON, SECRETARY OF THE PROVINCE, FOR HIS EXTRAORDINARY SERVICES IN THE YEAR 1694-5.

THIS house taking into Consideration the Great Labour Trouble & Charge of Issace Addington Esq^r secretary of this Province & the Inconsiderable Reward (that hath accrued by the Fees & perquisites) in proportion to his paines

Voted That y^e s^d Issace Addington Esq^r bee Allowed out of y^e Publick Treasury the sum of one hundred pounds money for his Extraordinary service in this year 1694: to y^e last wednesday of may next & pray y^t his Ex^{ty} & Council will order it accordingly [*Concurred in by the Council, and approved October 31.*]

CHAPTER 38.

VOTE FOR ALLOWING FIFTY POUNDS TO INCREASE MATHER FOR HIS SERVICES AT HARVARD COLLEGE DURING THE PREVIOUS YEAR.

Voted, In concurrence with the representatives, that M^r Increase Mather be paid by M^r Treasurer the sum of fifty pounds, for his pains and labour at the colledge the last year. [*Approved November 1.*]

CHAPTER 39.

VOTE FOR EXEMPTING OPEN FISHING-BOATS FROM THE DUTIES OF TONNAGE OF SHIPPING.

UPON READING the Petition of sundry of the Inhabitants of Marblehead on behalfe of s^d Town, Praying that they may be eased of the duty of Tunage for their Fishing Shallops and that they may onely be considered and taken in as other ratable Estate

Voted, That all open Fishing Boats be abated of the said duty of Tunage and that they pay onely to the Publick as other ratable Estate, according to the valuation set by the Act or Acts of this Court for the granting of Publick Taxes and no otherwise. / [Approved November 3.

CHAPTER 40.

VOTE FOR ALLOWING COMPENSATION TO NATHANIEL WARE, CONSTABLE OF WRENTHAM, FOR TRANSPORTING CORN IN THE YEAR 1691.

Voted that their be allowed to Nath^l Ware Const^a of Wrentham for Transportation of one hundred seventy six * bushells & an halfe of Corn paid in, in the year 91 : on acc^t of the ten Rates according to Law or ussage in s^d Time at six pence \varnothing Bush^t [Approved November 3.

CHAPTER 41.

VOTE FOR APPROVING THE ACCOUNTS OF JAMES TAYLOR, TREASURER AND RECEIVER-GENERAL OF THE PROVINCE, OF THE ARREARS OF PUBLIC TAXES TRANSMITTED TO HIM BY THE LATE TREASURER OF THE COLONY.

M^r JAMES TAYLOR Treasurer and Receiver General having presented his accompts of arrears of y^e publick Rates made in y^e time of y^e former Government Transmitted unto him by John Phillips Esq^r late Treasurer &^a Amounting to y^e sum of Nine thousand seven hundred & seventy two pounds nine shillings As standing out and unaccounted for at that time And the same being Inspected and Examined by a Committee appointed by y^e House of Representatives who have Reported thereon that y^e severall Articles of payments made by the Treasurer Charged in y^e said Accompt amounting to y^e sum of four thousand five hundred ninety and four pounds five shillings & five pence In part of the said Nine thousand seven hundred seventy two pounds nine shillings. Are made good by orders and vouchers.

Voted : That y^e said Accompts be Approved and Allowed of And that y^e said James Taylor Treasurer be and hereby is discharged of and from y^e said sum of four thousand five hundred ninety four pounds five shillings and five pence — £4594/5^s/5^d [Approved November 3.

* "One hundred twenty-six" in the copy of records in the State Library.

CHAPTER 42.

VOTE FOR ALLOWING TEN POUNDS TO EBENEZER PROUT, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES.

Voted, In concurrence with the house of representatives, that M^r Eben^r Proutt be allowed and paid out of the public treasury of this province, the sum of ten pounds, in full, for his service as clerk of said house, he recording the several votes, minutes and acts of that house till May next, fair in the books. [*Approved November 3.*]

CHAPTER 43.

VOTE FOR ALLOWING TEN POUNDS TO WILLIAM TOMSON, A WOUNDED SOLDIER.

UPON READING the petition of William Tomson, who was wounded in their maj^{ties} service, praying that some allowance may be made him, —

Voted, In concurrence with the house of representatives, for ten pounds to be paid out of the public treasury, into the hands of M^r Timothy Thornton, to be by him employed to the use of said William Tompson, towards cloathing of him and his cure. [*Approved November 3.*]

CHAPTER 44.

ORDER* FOR PAYING TWELVE POUNDS FOURTEEN SHILLINGS TO HENRY EMMES, MESSENGER OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES, ETC.

PURSUANT TO AN ACT of the general assembly for ascertaining the fees of the messenger† attending the house of representatives, and a vote‡ of that house that the governour and council be desired to order the payment of twelve pounds fourteen shillings unto Henry Eames their messenger for his service in journeys and attendance, fifty-eight days until the third of November last past.

Ordered, That M^r Treasurer do accordingly pay unto the said Henry Eames the above sum of twelve pounds, fourteen shillings. [*Approved December 5.*]

* This order is from the Executive Records of the Council, vol. 2, p. 298. It is inserted here in lieu of the missing vote of the House, upon which it is founded.

† Province Laws, vol. 1., 1694-5, chapter 4, *ante*.

‡ No record of this vote has been found, nor has the original been discovered in the archives; but that the money was actually paid according to the above order, appears in the Treasurer's books. — *Archives*, vol. 122, p. 39.

VOTES AND ORDERS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-SEVENTH DAY OF FEBRUARY,
A.D. 1694-5.

CHAPTER 45.

VOTE FOR NOTIFYING THE SELECTMEN OF CONCORD, CHELMSFORD, AND BILLERICA, AND OTHERS, TO APPEAR AND SHOW CAUSE AGAINST THE GRANTING OF CERTAIN VACANT LANDS. [*Approved March 1, 1694-5.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 46.

ORDER APPOINTING A COMMITTEE TO VIEW THE GRANTS AND CLAIMS OF THE TOWN OF REHOBOTH, AND ITS BOUNDARY ON THE TOWN OF ATTLEBOROUGH, AND TO REPORT THEREON. [*Approved March 5, 1694-5.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 47.

VOTE AUTHORIZING SHEARJASHUB BOURNE TO PURCHASE OF THE INDIANS CERTAIN LANDS IN SANDWICH AND WAQUOIT. [*Approved March 5, 1694-5.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 48.

ORDER REQUIRING THE PROVINCE TREASURER TO ALLOW TO DAVID MORGAN, FORMERLY CONSTABLE OF SPRINGFIELD, THE SUM OF TWENTY POUNDS FOURTEEN SHILLINGS AND TENPENCE, FOR LOSSES AND EXPENSES ON GRAIN TAKEN BY HIM AS COLLECTOR.

UPON READING the Petition of David Morgan late Constable of Springfield, Praying that he may be allow^d for wastage charge of

transportation and other Expences for the preservation of seuerall Quantities of Graine by him received in payment of seuerall Publick Rates or Assessm^{ts} committed unto him to collect in the year. 1691.

Ordered, That m^r Treasurer do allow unto the said Morgan upon makeing up the accounts of his arrears of said Rates, on the Considerations afores^d the Sum of Twenty pounds ffourteen Shillings and ten pence, said Constable to make good all the remainder of said arrears. [*Approved March 7, 1694-5.*]

CHAPTER 49.

ORDER DIRECTING THE PROVINCE TREASURER TO MAKE ALLOWANCES TO CONSTABLES, FOR TRANSPORTATION OF GRAIN RECEIVED FOR TAXES.

WHEREAS there are sundry Acco^{ts} yet depending relating to the Arrears of publick Rates or Assessments w^{ch} were granted in the year. 1689. and since by the late former Government for allowances to Towns, Constables & particular persons by Order of the General Court or Gov^t & Council then in being, and customary allowances for transportation of Grain received in publick Assessments.

Ordered, That m^r Treasurer upon makeing up the Accompts of Arrears of those Rates with the Constables of the several Towns doe make all just & reasonable allowances as afores^d. It being made appear to him that y^e same have not been already allowed and paid. [*Approved March 8, 1694-5.*]

CHAPTER 50.

VOTE FOR GRANTING TO NATHANIEL THOMAS A PIECE OF LAND IN THE TOWN OF PLYMOUTH ADJACENT TO HIS MESSUAGE AND THE COURT-HOUSE. [*Approved March 9, 1694-5.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 51.

VOTE FOR APPROVING THE ACCOUNTS OF JAMES TAYLOR, TREASURER AND RECEIVER-GENERAL OF THE PROVINCE, FROM JUNE 29, 1693, TO JUNE 29, 1694.

THE ACCOMPTS of M^r James Taylor Treasurer and Receiver General of this Province, begining the 29th day of June 1693. and continued unto y^e 29th day of June 1694 amounting unto the sum of Twenty four thousand three hundred fifty three pounds nine Shillings & five pence halfe penny haveing bin presented and laid before the house of representatives, and Inspected by the said house, by which it appears there was standing out on the s^d 29th day of June 1694 y^e Sum of four thousand One hundred fifty Eight pounds Six Shillings & Seven pence to be drawn into the Treasury and further to be accounted for. —

Voted, That the said Accompts in the Severall Articles of receipts and payments therein mentioned amounting unto the sum of Twenty thousand One hundred ninty five pounds two Shillings & ten pence half penny bee and hereby are approved and allowed of; [*Approved March 14, 1694-5.*]

CHAPTER 52.

VOTE FOR ALLOWING ONE HUNDRED AND FORTY POUNDS TO WILLIAM STOUGHTON, TO REIMBURSE HIM FOR ADVANCES MADE BY HIM IN ENGLAND ON BEHALF OF THE PROVINCE.

UPON READING the petition of the Hon^{ble}. William Stoughton, Esq^r. moving for an order to be paid the value of one hundred and forty pounds, which he advanced and paid of his own money for the discharge of moneys in England, taken up for the service of the late colony of Massachusetts, —

Voted, In concenrrance with the house of representatives, that the sum of one hundred pounds be paid out of their maj^{ties}. treasury unto the said William Stoughton, Esq^r, in consideration thereof. [*Approved March 15, 1694-5.*]

CHAPTER 53.

VOTE FOR APPROVING AND ALLOWING THE PROVINCE TREASURER'S ACCOUNT OF BOUNTIES PAID BY HIM FOR WOLVES' HEADS.

AN ACCOMPT of the sum of three hundred and twenty pounds ten shillings, paid by M^r. Treasurer in pursuance of the act of the general assembly, on account of wolves killed, was laid before the council and assembly, and by their *vote* approved and allowed of. [*Approved March 15, 1694-5.*]

CHAPTER 54.

VOTE FOR ALLOWING THE PROVINCE TREASURER'S ACCOUNT OF THE AMOUNT DUE ON UNENDORSED BILLS OF CREDIT DELIVERED TO HIM BY SUNDRY PERSONS.

M^r. TREASURER laid before the court an accompt of what is due to sundry persons for bills of credit unendors't, delivered by them into the treasury at the nett value for which they are not yett allowed, amounting to the sum of ninety-six pounds three shillings, —

Voted, In concenrrance with the house of representatives, that the said accompt be and is allowed. [*Approved March 15, 1694-5.*]

CHAPTER 55.

ORDER ALLOWING AN ACCOUNT EXHIBITED BY THE PROVINCE TREASURER, RELATING TO TOWNS, CONSTABLES AND PARTICULAR PERSONS.

AN ACCOMPT of several matters depending, wherein the treasury is concerned, relating to towns, constables and particular persons, laid before the court by M^r Treasurer, for their directions and orders to himselfe therein, were determined and, —

Ordered, as stated in the said accompt, and transmitted to the treasurer. [*Approved March 16, 1694-5.*]

CHAPTER 56.

VOTE FOR ALLOWING COMPENSATION TO CALEB RAY, KEEPER OF THE PRISON IN BOSTON, FOR THE KEEPING OF INDIAN HOSTAGES AND PRISONERS.

AN ACCOMPT was presented from Caleb Ray, keeper of their majties' prison in Boston, for his charges in keeping of the Indian hostages and other Indian prisoners, etc., —

voted upon Pernssall of the above acc^t the house of Representatives vote and paste in the affirmative that Caleb Ray be pd out of the publick treasury of this province the sum of ninteen poud thre shillings & on peny* [*Concurred in by the Council, and approved March 16, 1694-5.*]

CHAPTER 57.

VOTE FOR ALLOWING COMPENSATION TO JAMES MAXWELL, DOOR-KEEPER TO THE GOVERNOR AND COUNCIL, FOR HIS SERVICES IN THE YEAR 1691-5.

Voted and Granted That James Maxwell Door-Keeper and messenger be paid out of the Publick Treasurey after the Rate of thirty Pounds p annum for his service in attending the Govern^r & Council this year [*Approved March 16, 1694-5.*]

CHAPTER 58.

VOTE FOR ALLOWING COMPENSATION TO EBENEZER PROUT, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES IN THE YEAR 1694-5.

Voted and Granted That there be paid out of the Publick Treasury of this Province to Ebenezer Prout Clerk to the house of Representatives the sum of three shillings p *Diem* for Each Day of the session

* In both copies of the records this amount is given as “£19 1s. 3d.”

& sessions of the assembly's seting in the year 1694 to the Dissolving of this assembly, And as to the Entering Votes, Grants, and Acts, past by the Assembly, to be allowed, at the next session, or sessions, (as they) shall see cause to grant for the same when finished [*Approved March 16, 1694-5.*]

CHAPTER 59.

ORDER FOR APPOINTING APRIL 25, 1695, AS A DAY OF GENERAL FASTING AND PRAYER.

Ordered, by the vote of both houses, that there be a general fast upon the twenty-fifth day of April next, the l^t-govern^r and council to prepare a bill accordingly. [*Passed March 16, 1694-5.*]

CHAPTER 60.

VOTE FOR REQUESTING THE REVEREND SAMUEL TORREY TO PREACH THE ELECTION SERMON MAY 29, 1695.

A VOTE was sent up from the representatives that the Rev^d M^r Samuel Torrey of Weymouth, be requested to preach a sermon to the next general assembly, upon the 29th of May, 1695, which was approved of by the council, and his honour the lieutenant-governour declared his consent. [*Passed March 16, 1694-5.*]

CHAPTER 61.

VOTE FOR ALLOWING COMPENSATION TO HENRY EMMES, MESSENGER OF THE HOUSE OF REPRESENTATIVES, FOR HIS TRAVEL AND SERVICES IN THAT OFFICE.

Voted and Granted That Henry Eames messenger of the Houses of Representatives be paid by the Treasurer of this Province for time and money Expended for Travelling wages the sum of one pound ten and four pence to gather wth three shillings *per Diem* for attending this House this last sessions begun 27th Feb^r 1694/5 [*Concurred in by the Council, and approved March 16, 1694-5.*]

CHAPTER 62.

LETTER FROM THE GOVERNOR AND ASSEMBLY TO THE GOVERNOR
AND COUNCIL OF CONNECTICUT RESPECTING THE DEFENCE OF
DEERFIELD.

Honrd S^{rs} /

We have been given to understand by the Hon^{ble} our L^t Gov^r That upon application made unto yo^r selves for releiving of y^e Garrison at Deerfield, you were so kind as to post 32. men there from yo^r Colony w^{ch} we thankfully acknowledge and desire the continuance of them according as Was proposed unto you in his Hono^{rs} L^{res} our Interests cannot be divided, it is a common Enemy we are Engaged ag^t and thô. y^e seat of War do's providentially lye nearer to our doors, yet it is y^e overrunning & Extirpation of y^e whole y^t is sought & Endeavour'd, and if we be necessitated to give way and draw in you may not Expect to stand; It has been a received a* maxime in War y^t it's better to Engage y^e Enemy at a distance than within our own borders; however the state of our publick affayres may be altered from w^t they sometime were, It is to be remembred we are as yet but Infant Planta^{cons} and it was y^e prudence of our Fathers to make a Confederation betwixt y^e se^ual neighbouring Governm^{ts} to yield mutual assistances each to other to oppose y^e common Enemy, *Vis unita fortior* being their motto; And notwithstanding we are distinguished in respect of Civil Governm^t yet it is apparent by their Maj^{ties} Royal Com^{on} grant^d unto S^r W^m Phips they thought it necessary for their service and y^e better Protection and security of their subjects, within their se^ual Colonies more especially in this time of War. that y^e whole militia should be united and y^t Governm^t thereof but one, how justly then will they Expect that we at all times yield mutual succours and assistances each to other as there is occasion. The very sensible impressions made upon their maj^{ties} subjects within this Province by the heavy burdens laid upon them, for y^e prosecution of y^e War under w^{ch} they groan by long continuance, necessitates us to lay y^e consideration thereof, before you and to move that you would please to nominate two or more Commission^{rs} from yo^r selves to meet with such as may be appointed by y^e L^t Gov^r & Council fully Impowred to treat and agree upon such methods as they shall thinke best conducing to y^e publick safety, and for disresting of y^e Enemy, and what Quota of men and money each of y^e Governm^{ts} shall contribute thereto. And that they be likewise impowred at y^e same time to treat about an issue of yt uncomfortable difference w^{ch} we understand (notwithstanding all yt has been hitherto offered) continues, relating to y^e claim made by some of yo^{rs} to part of y^e Towns of Suffield & Enfield, by running of. y^e Line and agreeing of y^e place where to begin the same; We are sincerely desirous of maintaining a good correspondance wth your selves, and that all things any wise obstructive thereof may be removed; which we shall studiously Endeavour on our parte to approve our selves your loveing ffrinds and Neighbours praying your speedy answer to w^t is herein proposed

Boston. March. 16th 1694/5

By Command of the

L^t Gov^r Council & Assembly

I A Secry

[Approved March 16, 1694-5.

* Sic.

VOTES, ORDERS, LETTER,
PROCLAMATIONS, ETC.,

PASSED 1695-6.

LEGISLATIVE LIST

FOR

1695-6.

WILLIAM STOUGHTON, Esq.,
LIEUTENANT- OR DEPUTY-GOVERNOR, ETC.,*
(ACTING GOVERNOR.)

ISAAC ADDINGTON, Esq.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.

Of the inhabitants of, or proprietors of, lands within the territory formerly called the Colony of the Massachusetts Bay:—

| | |
|---------------------------|---------------------------|
| WILLIAM STOUGHTON, Esq., | SAMUEL SEWALL, Esq., |
| THOMAS DANFORTH, Esq., | SAMUEL SHRIMPTON, Esq.,† |
| JOHN PYNCHON, Esq., | ELISHA HUTCHINSON, Esq.,‡ |
| WAIT WINTHROP, Esq., | ISAAC ADDINGTON, Esq., |
| JAMES RUSSELL, Esq., | WILLIAM BROWNE, Esq., |
| BARTHOLOMEW GEDNEY, Esq., | JOHN PHILLIPS, Esq., |
| ROBERT PIKE, Esq., | JONATHAN CORWIN, Esq., |
| ELISHA COOKE, Esq., | JOHN FOSTER, Esq., |
| JOHN HATHORNE, Esq., | PETER SERGEANT, Esq., |
| DANIEL PEIRCE, Esq. | |

Of the inhabitants of, or proprietors of, lands within the territory formerly called New Plymouth:—

| | |
|-------------------------|-------------------------|
| WILLIAM BRADFORD, Esq., | JOHN SAFFIN, Esq., |
| BARNABAS LOTHROP, Esq., | NATHANIEL THOMAS, Esq., |
| JOHN THACHER, Esq. | |

Of the inhabitants of, or proprietors of, land within the territory formerly called the Province of Maine:—

| | |
|---------------------------|----------------------|
| SAMUEL WHEELWRIGHT, Esq., | CHARLES FROST, Esq., |
| ELIAKIM HUTCHINSON, Esq. | |

Of the inhabitants of, or proprietors of, land within the territory lying between the river of Sagadahoc and Nova Scotia:—

JOSEPH LYNDE, Esq.

* In addition to the ordinary functions of lieutenant-governor, as shown in his title given on p. 5, *ante*, Stoughton was regularly invested with all the powers and duties of governor, upon the recall of Phips. Phips died in London, Feb. 18, 1694-5, and the news of his death reached Boston on the fifth of May, 1695. Before, as well as after, this event, the title which Stoughton sometimes assumed in his proclamations, etc., and which was sometimes applied to him in legislative proceedings, was "Lieutenant-Governor and Commander-in-Chief," etc. See note † on p. 43, *ante*.

† By Sewall's Diary it appears that he was chosen for the province, "at large."

‡ Sworn June 4th. All the other councillors were sworn on the thirtieth of May.

REPRESENTATIVES OR DEPUTIES.

May 29, 1695 to March 7, 1695-6.

| | |
|------------------------|-------------|
| MR. WILLIAM BOND,* | } SPEAKERS. |
| NEHEMIAH JEWETT, Esq., | |
| MAJOR PENN TOWNSEND. | |

COUNTY OF SUFFOLK.

| | |
|--------------------|--|
| <i>Boston,</i> | Penn Townsend, Esq., Edward Bromfield, Esq., Mr. Timothy Thornton, Capt. Theophilus Frary.† |
| <i>Roxbury,</i> | Mr. William Denison. |
| <i>Dorchester,</i> | Capt. Samuel Clapp.‡ |
| <i>Milton,</i> | Mr. Thomas Holman. |
| <i>Braintree,</i> | Mr. William Rawson. |
| <i>Hingham,</i> | Daniel Cushing, senior, Esq.§ |
| <i>Dedham,</i> | Mr. John Baker. |
| <i>Weymouth,</i> | Mr. William Torrey. |
| <i>Medfield,</i> | Mr. John Harding.¶ |

COUNTY OF MIDDLESEX.

| | |
|---------------------|--|
| <i>Charlestown,</i> | Mr. Samuel Phipps, Mr. Jacob Greene, jun.** |
| <i>Malden,</i> | Capt. John Green. |
| <i>Cambridge,</i> | Mr. Samuel Chamne.†† |
| <i>Medford,</i> | Mr. Peter Tufts, jun.‡‡ |
| <i>Watertown,</i> | Capt. William Bond, Esq.§§ |
| <i>Newton,</i> | Capt. Isaac Williams. |
| <i>Sudbury,</i> | Mr. Joseph Noyes. |
| <i>Marlborough,</i> | Mr. Abraham Williams. |

COUNTY OF MIDDLESEX — *Concluded.*

| | |
|--------------------|-----------------------------|
| <i>Concord,</i> | Mr. Jonathan Prescott.¶¶ |
| <i>Billerica,</i> | Mr. Samuel Manning, senior. |
| <i>Woburn,</i> | Major James Convers. |
| <i>Reading,</i> | Mr. Hananiah Parker. |
| <i>Chelmsford,</i> | Maj. Thomas Hinchman.*** |

COUNTY OF BRISTOL.

| | |
|------------------------|--|
| <i>Bristol,</i> | Mr. John Rogers. |
| <i>Taunton,</i> | Capt. Thomas Leonard, Mr. Phillip King. |
| <i>Rehoboth,</i> | Deacon Samuel Peck.††† |
| <i>Swansey,</i> | Ensign Joseph Kent.‡‡‡ |
| <i>Little Compton,</i> | Mr. Daniel Eaton. |
| <i>Attleborough,</i> | Mr. Joseph Brown.§§§ |

COUNTY OF ESSEX.

| | |
|-----------------|---|
| <i>Salem,</i> | Mr. William Hirst. |
| <i>Lynn,</i> | Capt. John Burrill.¶¶¶ |
| <i>Beverly,</i> | Lieut. Andrew Elliott. |
| <i>Wenham,</i> | Capt. Thomas Fiske.**** |
| <i>Ipswich,</i> | Mr. Nehemiah Jewett,†††† Mr. John Whipple. |
| <i>Rowley,</i> | Mr. John Pickard.‡‡‡‡ |

* Bond went home ill on the twelfth of December, and died on the fifteenth. On the twelfth, Jewett was chosen Speaker, "in his room;" but to such of his signatures while holding that office, as have been found, he did not add, "*pro tempore.*" Townsend was chosen Speaker, February 28th, at the beginning of the fourth session. See resolve chapter 61, *post*, and note.

† "Frary," in the Secretary's list.

‡ "Clapp," in the Secretary's list.

§ "Senior," in the town records, but not in the Secretary's list.

¶ Erroneously written "Hardy," in the Secretary's list.

|| "Phips," in the Secretary's list.

** "Green," in the Secretary's list.

†† "Chamnee," in the Secretary's list.

‡‡ "Tuft" and "Junior" in the Secretary's list, but not in the town records nor in his signature.

§§ "Captain," in the town records, but not in the Secretary's list.

¶¶ "Prescot," in the Secretary's list.

|||| "Senior," in his signature.

*** "Henchman," in the Secretary's list.

††† From the town records. He was sworn but his name is not in the Secretary's list.

‡‡‡ "Ensign," in the town records, but "Mr.," in the Secretary's list.

§§§ "Browne," in the Secretary's list.

¶¶¶ "Junior," in the town records, but not in the Secretary's list.

||||| "Lieutenant," in the town records, but "Mr.," in the Secretary's list.

**** July 24, 1695, the town chose "Capt. Tho^s Fiske for a representative to go to the General Court at their next sessions, to get the abatement of the Commissioners [of taxes?] heads, perfected." On the third of May the town voted to choose no representative. No record has been found of Fiske's having been sworn.

†††† "Jewett," in the Secretary's list.

‡‡‡‡ "Pikard," in the Secretary's list.

COUNTY OF ESSEX — *Concluded.*

| | |
|--------------------|---------------------------|
| <i>Newbury,</i> | Lieut. Tristram Coffin.* |
| <i>Amesbury,</i> | Mr. Thomas Fowler.† |
| <i>Haverhill,</i> | Mr. Peter Ayer.‡ |
| <i>Andover,</i> | Maj. Dudley Bradstreet.§ |
| <i>Salisbury,</i> | Lieut. Henry True.* |
| <i>Topsfield,</i> | Corporal Tobijah Perkins. |
| <i>Gloucester,</i> | Capt. James Davis. |
| <i>Marblehead,</i> | Mr. Richard Reith.¶ |
| <i>Boxford,</i> | Mr. John Pebody.** |

COUNTY OF YORK.

| | |
|-----------------|---------------------|
| <i>Kittery,</i> | Mr. James Emerey.†† |
|-----------------|---------------------|

COUNTY OF HAMPSHIRE.

| | |
|---------------------|--------------------|
| <i>Springfield,</i> | Mr. Abel Wright. |
| <i>Northampton,</i> | Mr. Joseph Hawley. |

COUNTY OF HAMPSHIRE — *Concluded.*

| | |
|------------------|-------------------------|
| <i>Hadley,</i> | Mr. Timothy Nash. |
| <i>Hatfield,</i> | Ensign Eleazer Frary.‡‡ |

COUNTY OF PLYMOUTH.

| | |
|---------------------|--------------------------|
| <i>Plymouth,</i> | Mr. John Bradford. |
| <i>Marshfield,</i> | Mr. Nathaniel Winslow.§§ |
| <i>Scituate,</i> | Mr. Samuel Clap. |
| <i>Bridgewater,</i> | Mr. Elihu Brett. |

COUNTY OF BARNSTABLE.

| | |
|--------------------|---------------------|
| <i>Barnstable,</i> | Capt. John Goreham. |
| <i>Yarmouth,</i> | Mr. Jasper Taylor. |
| <i>Sandwich,</i> | Mr. Samuel Prince. |
| — | Mr. Thomas Smith.¶¶ |

ISLAND OF NANTUCKET.

Mr. James Coffin.

HENRY DERING, *Clerk.*

JAMES MAXWELL, *Doorkeeper and Messenger to the Lieutenant-Governor and Council, and of the House of Representatives.*

* "Lieutenant," in the town records, but "Mr.," in the Secretary's list.

† *Sic*; but "Fowler," in the Secretary's list.

‡ "Ayre," in the Secretary's list.

§ "Maj. Dudley Broadstreet," in the Secretary's list.

|| "Corporal," in the town records, but "Mr.," in the Secretary's list. Written "Tobia," in the Secretary's list, but "Tobiah," in the town records, and by himself.

¶ Erroneously written "Riefe," in the Secretary's list.

** "Peebawdy," in the Secretary's list.

†† "Emery," in the Secretary's list.

‡‡ "Ensign," in the town records, but "Mr.," and "Frarey," in the Secretary's list.

§§ Erroneously entered "Isaac," in the town records. The representative in the previous legislature had been Isaac Little and hence perhaps the mistake of the town clerk.

||| Erroneously written "Green," in the Secretary's list.

¶¶ A Thomas Smith (apparently the same person, each year), took and subscribed the qualifying oaths in 1695 and 1698. There was a person of this name in Eastham, and another in Sandwich, each of whom has been supposed to be the representative; but in 1695, Samuel Prince represented Sandwich, and in 1698, Israel Cole represented Eastham. That Smith was from Barnstable County is a reasonable conjecture, but nothing has been received from the town clerk of any town in that county to confirm this conjecture beyond a doubt.

VOTES, ORDERS, CERTIFICATE, DECLARATION, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-NINTH DAY OF MAY, A.D. 1695.

CHAPTER 1.

VOTE FOR ALLOWING TEN POUNDS TO JOHN BEMENT, A WOUNDED
SOLDIER.

Voted by y^e house of Representatives That upon Reading John Bements Petition and Seeing his wounded hand That there be Tenn Pounds in mony paid him out of the Publick Treasury in Compensation of that his damage, this not includeing his wages that is due —
[Concurred in by the Council, and approved June 8.]

CHAPTER 2.

ORDER APPOINTING A HEARING ON THE PETITION OF THOMAS HINCKLEY PRAYING THAT TWO HUNDRED ACRES OF LAND NEAR SECONET MAY BE LAID OUT TO HIM ACCORDING TO A FORMER GRANT, AND FOR NOTIFYING THE ADVERSE PARTIES THEREOF. *[Approved June 10.]*

[Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.]

CHAPTER 3.

VOTE APPOINTING COMMISSIONERS TO MEET WITH THE COMMISSIONERS FROM CONNECTICUT, TO AGREE UPON A PLACE FOR THE BEGINNING OF THE BOUNDARY LINE BETWEEN THAT COLONY AND MASSACHUSETTS. *[Approved June 11.]*

[Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.]

CHAPTER 4.

VOTE FOR ABATING ONE-HALF THE DUTIES OF TONNAGE AND POWDER-MONEY ON THE SHIPS HOPE AND BEAR.

UPON READING the petition of William Wallis, merch^t, part owner, in behalf of himself and others concerned, in the ships named the Hope and Bear, imployed to fetch masts for his maj^{ty}'s service, and bringing two foot companies of soldiers for New York, praying that the said ships may be freed from the duties of tunage and powder money, —

Voted, That there be halfe duty p^d on consideration that the Ships had Merch^t's Goods on bord upon Freight and no more on consideration that they are imployed for his Maj^{ty}'s Service. [*Approved June 12.*]

CHAPTER 5.

VOTE FOR NOMINATING AND APPOINTING A COMMITTEE TO ASCERTAIN AND REPORT THE QUANTITY OF NAVAL STORES THE GOVERNMENT OF THE PROVINCE MAY UNDERTAKE TO SEND, ANNUALLY, TO ENGLAND.

IN OBEDIENCE unto his Maj^{ty}'s Commands Signified by the R^t Hon^{ble} the Lords of his Maj^{ty}'s most Hon^{ble} Privy Council; Given at the Council Chamber At Whitehall the 5th day of April. 1694.

Barth^o Gedney, Elisha Hutchinson & John Walley Esq^{rs} with m^r Treasurer and such others as shall be joyned to them of the Representatives, are appointed a Co^mittee to consider and Report what Quantities of Pitch, Tar, Rozin, Planke Knee Timber and other Naval Stores for the use of his Maj^{ty}'s Royal Navy &c^a the Govern^t here may undertake to send yearly into England, that an account attested under the hands of the Governo^r and Assembly may be transmitted — * * *

the house of Representatives *voted* a Concurrance and haue made Choyce of Maj^r Penn Townsend, Maj^r Thomas Hinchman m^r Samuel Clap, and m^r Tristram Coffin, to Joyn with the aboue mentioned Gen^t to be a Committee to act as afore^sd [*Approved June 14.*]

CHAPTER 6.

ORDER APPOINTING A COMMITTEE TO VIEW THE SITUATION OF THE INHABITANTS OF THE WESTERLY PART OF THE TOWN OF PLYMOUTH, AND TO PROPOSE A LINE FOR SETTING THEM OFF INTO A SEPARATE PRECINCT, ETC. [*Approved June 14.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 7.

ORDER DECLARING THAT CERTAIN LANDS CLAIMED TO BE A PART OF THE TOWN OF ATTLEBOROUGH UNDER THE ACT OF OCTOBER 19, 1691, BE AND REMAIN PART OF THE TOWNSHIP OF RENOBOTH.
[*Approved June 14.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 8.

ORDER FOR DISCHARGING FROM IMPRISONMENT JOHN HOYT, LATE CONSTABLE OF AMESBURY, UPON HIS GIVING SECURITY, ETC.

WHEREAS John Hoyt late Constable of the Town of Aimsbury is behind and in arrear of the payment of the Sum of Forty nine pounds Eight Shillings and nine pence of y^e publick assessments comitted to him to collect in the year 1690 and which he ought to account for And whereas he has Set forth in his Petition, that he is fal'n in decay in his Estate the Enemy haueing plundred and despoyled him thereof and burnt his house, and that he now lyes in prison under Execution for the same, and that he is likely to dye there unless speedily releived

Ordered, That upon the s^d John Hoyt^s gineing Sufficient Security to pay into the publick Treasury, the sum of Twenty pounds within the space of one year next ensueing; as also paying his Fees to the Officers, the sheriff be and hereby is directed to discharge him from his Imprisonm^t And the Remainder of y^e s^d Sum of £.49 : 9 . 8 . is hereby remitted unto the said Hoyt. [*Approved June 17.*]

CHAPTER 9.

ORDER FOR NOTIFYING THE INHABITANTS OF THE TOWN OF SPRINGFIELD TO APPEAR AND ANSWER TO THE PETITION OF THE INHABITANTS OF THE PART OF SAID TOWN LYING WEST OF THE CONNECTICUT RIVER FOR LEAVE TO SETTLE A MINISTER. [*Approved June 17.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 10.

ORDER APPOINTING A COMMITTEE (ON THE PETITION OF ELEAZAR FRARY, IN BEHALF OF THE TOWN OF HATFIELD, PRAYING FOR THE GRANT OF CERTAIN LANDS) TO SURVEY THE SAME AND RETURN A PLAT THEREOF, ETC. [*Approved June 18.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 11.

ORDER FOR ABATING THE DUTIES OF TONNAGE AND POWDER-MONEY OF THE SHIP ST. JOSEPH, AND FOR GRANTING HER A CLEARANCE.

WHEREAS the ship St Joseph Mich^l Shute Ma^r is taken vp & Employed by a Co^mittee of the Gen^l Assembly for the Transporting of her Lading of Naval Stores into Engl^l pursuant to y^e directions of the R^t Hon^{ble} the Lords of his Maj^{tis} most Hon^{ble} Privy Council.

Ordered that y^e dutyes of Tunage & Powder money for s^d ship be abated & allowed vnto the Owners for this voyage, And that the officers concerned grant her Cleerings wthout requireing of the Same — [*Approved June 18.*]

CHAPTER 12.

VOTE FOR ALLOWING TWO HUNDRED AND FIFTY POUNDS TO JAMES TAYLOR, TREASURER OF THE PROVINCE, FOR HIS SERVICES IN THE YEAR 1691-5.

Voted In the house of Representatives, That m^r James Taylor Treasurer, be allowed for his last yeares Service — Two hundred and fifty Pounds [*Concurred in by the Council, and approved June 19.*]

CHAPTER 13.

VOTE FOR ALLOWING TWO HUNDRED POUNDS TO WILLIAM STOUGHTON, FOR HIS SERVICE IN THE PUBLIC AFFAIRS OF THE PROVINCE DURING HIS EXCELLENCY'S ABSENCE IN ENGLAND, ETC.

Voted: In the house of Representatives: That the Hon^{ble} Leiūt: Gou^r W^m Stoughton Esq^r Be Paid out of the Publique Treasury of the Province for his Service in the Publique affaires of this Province Since his Excellency went to England, & as Cheife Judge to this day the Sume of Two hundred Pounds — [*Concurred in by the Council, and approved June 19.*]

CHAPTER 14.

VOTE FOR GRANTING AN ALLOWANCE OF FIFTY POUNDS TO INCREASE MATHER, FOR HIS SERVICES AS PRESIDENT OF HARVARD COLLEGE.

Voted, In concurrence with the house of representatives, that the sum of fifty pounds be ordered unto M^r Increase Mather, out of the public treasury, for his service at the colledge the last year in the vacancy of a settled president. [*Approved June 20.*]

CHAPTER 15.

VOTE APPOINTING A HEARING ON THE DIFFERENCES BETWEEN THE TOWNS OF CAMBRIDGE AND NEWTON, AND FOR NOTIFYING THE SELECTMEN OF THOSE TOWNS, RESPECTIVELY.

Voted, In concurrence with the representatives, that there be a hearing of the difference betwixt the towns of Cambridge and Newton, at the next sitting of the general assembly, and that the selectmen of each town be notified thereof by the secretary, and to give their attendance. [*Approved June 20.*]

CHAPTER 16.

VOTE FOR ALLOWING TWENTY-FIVE POUNDS TO SAMUEL NEWELL, A SOLDIER TAKEN PRISONER BY THE ENEMY.

UPON READING the petition of Samuel Newell of Roxbury, a soldier formerly employed in his majestie's service, having suffered shipwreck and taken prisoner by the enemy, and continued near five years in their hands, having lately obtained his redemption by his friends' paying down a sum of money for his ransom, praying that a reasonable allowance may be made him,—

Voted, In concurrence with the representatives, upon the considerations aforesaid, and in full of his wages as a soldier, there be paid out of the public treasury unto the petitioner, Samuel Newell, the sum of twenty-five pounds. [*Approved June 20.*]

CHAPTER 17.

ORDER FOR THE PAYMENT OF TEN POUNDS FROM THE PROVINCE TREASURY, TOWARDS REPAIRING THE PRISON IN THE COUNTY OF YORK.

IN ANSWERE to the Motion of the County of York setting forth their inability to raise Money for their defraying of County Charges by reason of their poverty occasioned by the War; and praying that y^e Fines in the hand of their Sheriff may be granted them for the Repairing of their Jail

This Court do Order, that Mr. Treasurer doe pay to the Treasurer of York Ten pounds out of the Fines in the Sheriff's hand toward the repairing of their County-Prison/. [*Approved June 21.*]

CHAPTER 18.

ORDER FOR REMITTING THE DUTIES OF TONNAGE AND POWDER-MONEY ON THE SHIP FRIENDS' ADVENTURE, AND FOR GRANTING HER A FREE CLEARANCE.

UPON CONSIDERATION of the many kindnesses done by his Excy. Francis Russell Governour of the Island of Barbados unto the Inhabitants of this Province trading vnto that Island.

Ordered That the dutys of Tunnage and powder money be allow^d and abated for the Ship Friends Adventure now in this Port, Benj^a Mackey Comānder, being the Interest of the said Governo^r Russell in a considerable part And that the officers concerned grant cleerings for the s^d ship without demand of the s^d duty? [*Approved June 22.*]

CHAPTER 19.

VOTE FOR ALLOWING FIFTY POUNDS, EACH, TO THE COMMISSIONERS OF WAR, FOR THEIR SERVICES THE PREVIOUS YEAR, AND AFTER THE SAME RATE FOR SUCH TIME AS EITHER OF THEM SHALL BE RETAINED, NOT EXCEEDING ONE YEAR.

Voted That Coll^l Bartholmew Gidney and Maj^r Jn^s Walley (the Present Commission^{rs} of Warr) Be paid fifty Pounds each, out of the Publick Treasury for their last yeares Service, which ended the sixth day of Aprill last And after the same Rate for such further time as the Commission^{rs} or either of them shall further Continue to be Improved in the said Service, not exceeding one yeare [*Approved June 22.*]

CHAPTER 20.

VOTE DIRECTING JAMES TAYLOR, PROVINCE TREASURER, TO DELIVER TO JOHN PHILLIPS, LATE TREASURER OF THE COLONY, HIS OFFICIAL BOND, AND ORDERING SAID TAYLOR TO RETAIN IN HIS HANDS THE MONEY DUE FROM THE TREASURY TO SAID PHILLIPS.

UPON READING the petition of John Phillips, Esq^r, late treasurer of the Massachusetts Colony, therein setting forth that whereas, upon adjusting of accompts of the treasury during that time, by a committee appointed by the general assembly, according to the direction of the assembly, he gave bond to the prest^t treasurer to make good and pay into the treasury all and every such sum and sums as shall be made appear to have been received by or duely paid unto him or his order, and not accounted for, in part of the sum of nine thousand five hundred and thirty pounds four shillings and a penny, returned by him as then standing out, or otherwise, for which he ought to have been debited in his accompt, the greatest part of w^{ch} said sum of nine thousand five hundred and thirty pounds four shillings and a penny is since drawn into the treasury, praying that his said bond may be delivered unto him, having five hundred and odd pounds credit in the treasury, and being willing the same should there ly until a period be put unto the said affair, —

Voted, that the Present Treasurer m^r Ja^s Taylor deliuer Vp to Coll^l John Phillips his bond now in his the s^d Ja^s Taylor Treasurer^s hands The mony now due to s^d Phillips from the Treasury to this day, to remaine in said Tresurers hands till his the s^d Phillips (his) Acco^{ts} of the old Areares be adjusted — And the Treasurer is hereby Ordered to Detaine the same in his hands accordingly. — [*Approved June 22.*]

CHAPTER 21.

VOTE FOR NOTIFYING SAMUEL GOOKIN AND SAMUEL HOW TO APPEAR AND ANSWER TO THE COMPLAINT OF THE INDIANS OF NATICK. [*Approved June 24.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 22.

ORDER FOR GRANTING A HEARING TO THE SELECTMEN AND ASSESSORS OF THE TOWN OF WEYMOUTH.

UPON READING the petition of the selectmen and assessors of the town of Weymouth, representing and setting forth that they were set over and above their due proportion to the last tax, —

Ordered, That they have opportunity, at the next session of this court, to have a hearing and consideration thereof. [*Approved June 25.*]

CHAPTER 23.

VOTE APPROVING THE ACCOUNT OF THE PROVINCE TREASURER, ETC.

M^r. TREASURER presented an accompt of several matters depending in the treasury, praying directions and orders to himself therein, which was read and, —

Voted, in the several articles thereof, as stated in the said acc^t, and transmitted to the treasurer. [*Approved June 26.*]

CHAPTER 24.

VOTE FOR AN ADDRESS TO KING WILLIAM, REQUESTING HIM TO SUPPORT THE GARRISON AT PEMAQUID, ETC.

Voted, That his maj^{ty} be humbly addressed to support the garrison at Pemaquid, and also to settle Port Royall and St^t John's in Accadie, and that we may not be charged with any quota of men to New York, and that an address be accordingly prepared. [*Ordered to be transcribed, and signed by the Lieutenant-Governor and Speaker, June 26.*]

CHAPTER 25.

CERTIFICATE OF THE LIEUTENANT-GOVERNOR AND ASSEMBLY, TO THE PRIVY COUNCIL, AS TO SUPPLYING NAVAL STORES, FROM THE PROVINCE, FOR THE USE OF THE ROYAL NAVY.

IN OBEDIENCE unto his Maj^{ty}s Commands Signified by the R^t Hon^{ble} the Lords of his Maj^{ty}s most Hon^{ble} Privy Council.

The L^d Governo^r and Assembly of his Maj^{ty}s Province of the Massachusetts Bay in New-England, In all humility do offer, That his Maj^{ty} may be yearly Supplied from this his Territory with the several Species & Quantitys of Naval Stores hereafter mentioned for the use of his Royal Navy.

That is to Say.

One hundred and Fifty Tuns of Rozin

One hundred and Fifty Tuns of Pitch and Tar

Two thousand Tuns of Timber, as Standard Knees, Compass timber, Clamps, Beams, Futtocks & other Timber.

One hundred Thousand Feet of Oak Plank.

And when the hazards and troubles by the Indians are over, greater Quantitys of each of the said Species may annually be procured.

R^t Hon^{ble}

To the R^t Hon^{ble} the Lords
of his Maj^{ty}s most Hon^{ble}
Privy Council. [*Adopted and passed June 26.*]

His Maj^{ty}s most dutiful Subjects
and yo^r Lord^{ps} most humble Serv^{ts}

CHAPTER 26.

VOTE FOR APPROVING AND ALLOWING THE PROVINCE TREASURER'S ACCOUNTS FROM MAY 29, 1694, TO MAY 29, 1695, INCLUSIVE.

THE ACCOMPTS of Mr. James Taylor, treasurer and receiver-general of this province, beginning the 29th day of June, 1694, and continued unto the 29th day of May, 1695, amounting unto the sum of twenty-five thousand eight hundred twenty-six pounds twelve shillings and ninepence halfpenny, having been presented and laid before the house of representatives and inspected and examined by a committee appointed by said house, by which it appears that there was standing out on the said 29th day of May, 1695, the sum of three thousand sixty-nine pounds eighteen shillings and one penny to be drawn into in * treasury and further to be accounted for,—

Voted, In concurrence with the representatives, that the said accompts, in the several articles of receipts and payments therein mentioned, amounting to the sum of twenty-two thousand five hundred fifty-six pounds fourteen shillings and eightpence halfpenny, be and hereby are approved and allowed of, and that the said James Taylor, treasurer, be and is hereby discharged from the said sum. [*Approved June 27.*]

CHAPTER 27.

VOTE FOR APPROVING AND ALLOWING THE PROVINCE TREASURER'S ACCOUNTS OF ARREARS OF PUBLIC TAXES LAID BY THE FORMER GOVERNMENT, FROM JUNE 29, 1694, TO MAY 29, 1695.

M^r. JAMES TAYLOR, treasurer and receiver-general, having presented his accompts of arrears of the public rates made in the time of the former government, beginning the 29th day of June, 1694, and continued unto the 29th day of May, 1695, amounting to the sum of five thousand three hundred twenty-five pounds one shilling and 11^d; and the same being inspected and examined by a committee appointed by

* *Sic.*

the house of representatives, who have reported thereon that the several articles of payment made by the treasurer, charged in the said acc^t; amounting to the sum of four thousand three hundred seventy-five pounds three shillings and threepence, in part of the said five thousand three hundred twenty-five pounds one shillings and eleven pence, are made good by orders and vouchers, —

Voted, In concurrence with the representatives, that the said accompt be approved and allowed of, and that Mr. James Taylor, treasurer, be and hereby is discharged of and from the said sum of four thousand three hundred seventy-five pounds three shillings and threepence. [*Approved June 27.*]

CHAPTER 28.

DECLARATION CORRECTING ERRORS IN THE ACCOUNT LAID BEFORE THE GENERAL COURT, FEBRUARY 27, 1694-5, BY JAMES TAYLOR, PROVINCE TREASURER.

WHEREAS, Mr. James Taylor, treasurer and receiver-gen^l, laying his accompts before the general court at their sitting the 27th of February, 1694-5, a discharge was then given to said treasurer, mentioning the whole sum of said accompts to be twenty-four thousand three hundred fifty-three pounds nine shillings and five pence halfpenny, whereof four thousand one hundred fifty-eight pounds six shillings and sevenpence was then standing out to be drawn into the treasury, and that the said treasurer had paid out twenty thousand one hundred ninety-five pounds two shillings and tenpence halfpenny; upon farther examination of said accompt, it now appears, and is, —

Declared by the lieut. governour, council and assembly, that there was seven hundred nineteen pounds sixteen shillings overcharged, both in debt and credit, so that the true sum of the debt was and is twenty-three thousand six hundred thirty-three pounds thirteen shillings and fivepence halfpenny; and of the credit, nineteen thousand four hundred seventy-five pounds six shillings and tenpence halfpenny, and the sum to be drawn into the treasury the same as above mentioned; viz^t, four thousand one hundred fifty-eight pounds six shillings and sevenpence. [*Approved June 27.*]

CHAPTER 29.

VOTE OF ADVICE, ETC., ON THE APPLICATION OF THE GOVERNOR OF THE PROVINCE OF NEW YORK, FOR A QUOTA OF THREE HUNDRED AND FIFTY MEN, TO BE POSTED AT ALBANY.

WHEREAS the Hon^{ble} the L^t Governo^r has been pleased to lay before the Councill and Assembly a Letter received from his Excellency the Governo^r of New York, during this Sitting of the Generall Assembly here, In which he makes application unto his Hono^r for a Quota of three hundred and fifty men to be Posted at Albany.

We humbly offer. —

That We are in no Capacity to Answer his Excy^{'s} Demand for y^e Said Quota, without apparent hazard of Exposing his Maj^{ties} Inter-

ests within this Province, haveing not men Sufficent to preserve our own ffrontiers, which are of So Large Extent, and to offend the Enemy, by whome we may rationally Expect to be Suddainly Assaulted, and are necessitated, to apply unto our Neighbours for Assistance.

All which we haue humbly Represented & laid before his Majestie —
[*Adopted and passed, June 27.*]

CHAPTER 30.

VOTE FOR ALLOWING TEN POUNDS THIRTEEN SHILLINGS TO CALEB RAY, KEEPER OF HIS MAJESTY'S PRISON IN BOSTON.

AN ACCOMPT presented by Caleb Ray, keeper of his majtie's prison in Boston, for keeping the Indian hostages from the first of March last past, and the keeping of Robert Sherwood, was read and, —

Voted, A concurrence with the representatives, that there be paid unto the said Caleb Ray, the sum of ten pounds thirteen shillings.
[*Approved June 28.*]

CHAPTER 31.

ORDER FOR PAYING TO SUNDRY PERSONS THE VALUE OF UNENDORSED BILLS OF PUBLIC CREDIT, BROUGHT IN TO THE TREASURY BY THEM.

AN ACCOMPT of bills of credit unendorst, brought into the treasury by sundry persons, amounting to thirteen pounds five shillings and sixpence, was presented, and, —

Ordered, That M^r Treasurer do pay unto each of the said persons the like sum in said bills expressed. [*Approved June 28.*]

CHAPTER 32.

ORDER FOR ALLOWING FIVE POUNDS PER CENT TO WILLIAM WELSTEED, NAVAL OFFICER FOR THE PORT OF BOSTON AND CHARLESTOWN.

Ordered, That W^m Welsted Naval Officer be allowed and paid the Sum of Five pounds 5 Cent. for his care and Service in receiving & paying of the duty of Powder money [*Approved June 28.*]

CHAPTER 33.

ORDER FOR GRANTING TO SIR HENRY ASHURST, KNT. AND BART., AGENT FOR THE PROVINCE, ONE THOUSAND ACRES OF VACANT AND UNIMPROVED LAND, ETC. [*Approved June 28.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 34.

VOTE FOR ALLOWING TEN POUNDS TO HENRY DERING, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES.

Voted in the house of Representatives that Henry Dering be allowed in full for his Service as clerk to this house in the Yeare 1693 and the Yeare 1695 to this day Tenn pounds to be paid him out of the Publick Treasury of the Province—[*Concurred in by the Council, and approved June 28.*

CHAPTER 35.

VOTE FOR ALLOWING TO JOHN WAITE, TWELVE POUNDS MORE THAN HE HAS ALREADY RECEIVED FOR STORAGE OF GRAIN FORMERLY TAKEN BY HIM FOR PUBLIC TAXES.

UPON READING the petition and accompt of John Wayt, of Boston, for storage of grain formerly received for public taxes and laid into his warehouse, —

Voted, In concurrence with the representatives, that the said John Wayt be paid twelve pounds out of the public treasury more than he has already received, and is to be in full for the said storage. [*Approved June 28.*

CHAPTER 36.

VOTE FOR ALLOWING TWENTY POUNDS TO ANTHONY CHECKLEY, FOR HIS SERVICES AS ATTORNEY-GENERAL.

UPON READING the petition of Capt. Anthony Checkley, his maj^{ties}. attorney-general for this province, praying for such allowance as may compensate his expences and trouble sustained in his maj^{ties}. and the countrie's business, —

Voted in y^e house of Rep^sentatives that Capt Anthoney Checkly be paid Twenty pounds out of y^e Publick Treasury In full for his service as Attorney Generall to this Day. [*Concurred in by the Council, and approved June 28.*

ORDER AND VOTES

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE FOURTEENTH DAY OF AUGUST, A. D. 1695.

CHAPTER 37.

ORDER CONTINUING TO THE NEXT SESSION BUSINESS REFERRED
FROM THE FIRST SESSION OF THE GENERAL COURT.

WHEREAS several matters moved by Petition and otherwise at y^e first Session of this General Court or Assembly begun and held upon Wedensday the 29th day of May last were Refer'd to be considered at their next Sitting: And Forasmuch as the Season of the year is such with respect to the Harvest as requires a Speedy recess of the Members of this Court into the Country, And a longer Session would be greatly prejudicial at this time, than what is absolutely necessary to advise and direct with reference to the Security and defence of the Frontiers and prosecution of the Enemy, and what else may concern the Publick.

Ordered That all such References be and are hereby continued to be considered and determin'd at the next Sitting of this Court. — [*Approved August 15.*]

CHAPTER 38.

VOTE OF ADVICE TO THE LIEUTENANT-GOVERNOR THAT ASSISTANCE TO THE GOVERNOR OF NEW YORK IN REBUILDING FORTIFICATIONS, ETC., ON THE FRONTIERS OF THAT PROVINCE BE REFUSED; AND GIVING REASONS THEREFOR.

THE HON^{BLE} L^T GOV^R laying before this Court a Letter directed unto himselfe from the Gov^r of New Yorke in which he refreshes his application for Assistance from this Province for the repaireing or Rebuilding of the fortifications on the frontiers of the said Province of New Yorke.

As we haue lately Represented unto his Hono^r of Incapacity of spareing any men, so we further offer, that we cannot afford them any other Assistance, not haueing a Treasury Sufficient to Support the necessary charges ariseing within this Province, for the preservation and defence of his Maj^{ties} Subjects & Interests within the Same; This Province being the Chief Seat of the Warr, lying more Exposed, & being more hardly pressed by y^e Enemy than the Province of New Yorke; that Province being also lately Enforced with three ffoote Companys under Establishment from England:

Voted in the affirmative. [*Passed August 16.*]

CHAPTER 39.

VOTE REQUESTING PETER SERGEANT TO ASSIST THE AGENTS OF THE PROVINCE, IN ENGLAND, ETC., AND PROVIDING FOR HIS INSTRUCTIONS.

Vol^d That Peter Sergeant Esq^r a member of his maj^{ty}s Council here, now intending a voyage into England, be desired to be Assistant unto our Agents Resid^t there in our publick Affayres depending before his Maj^{ty} and for the makeing of such further applications as may conduce to the publick benefit and advantage of the Province — And the L^d Gov^r and Council are desired to give him particular Instructions therein. [*Approved August 17.*]

CHAPTER 40.

VOTE FOR ALLOWING FORTY POUNDS, EACH, TO THOMAS DANFORTH, WAIT WINTHROP AND SAMUEL SEWALL, JUSTICES OF THE SUPERIOR COURT, ETC., FOR THEIR SERVICES DURING THE PREVIOUS YEAR.

Voted, That there be paid unto Thomas Danforth, Wait Winthrop and Sam^l. Sewall, Esq^{rs}, justices of the superiour court of judicature and court of assize, the sum of forty pounds, each, for their last year's service. [*Approved August 17.*]

ORDERS, VOTES, PROCLAMATION, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTIETH DAY OF NOVEMBER, A.D. 1695.

CHAPTER 41.

ORDER FOR NOTIFYING THE INHABITANTS OF THE WEST PART OF
WATERTOWN TO APPEAR AND ANSWER TO THE PETITION OF THE
INHABITANTS OF THE EAST PART OF SAID TOWN. [*Passed Novem-
ber 25.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc.,
of towns, etc.*]

CHAPTER 42.

VOTE ENLARGING THE TOWN OF HATFIELD BY ANNEXING A TRACT
OF LAND ADJACENT THERETO ON THE WEST. [*Approved November 26.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc.,
of towns, etc.*]

CHAPTER 43.

ORDER FOR ALLOWING TEN POUNDS OUT OF THE PROVINCE TREASURY
TOWARDS THE SUPPORT OF A MINISTER AT NEWICHAWANNOCK.

Ordered, That there be allowed the sum of ten pounds out of the
public treasury, towards the support of a minister for this year, at
Newitchewannick, the upper part of the town of Kittery, so that it
appear they be supplied with a minister. [*Approved November 26.*]

CHAPTER 44.

ORDER FOR PAYING ELEVEN POUNDS OUT OF THE PROVINCE
TREASURY AS A BOUNTY FOR ELEVEN WOLVES KILLED IN THE
TOWN OF DEERFIELD AND NOT REGULARLY CERTIFIED.

Ordered, That there be paid unto Capt. Sam^l. Partrigg, on behalf
of the persons concerned, eleven pounds, out of the public treasury,
for eleven wolves killed in the year 1694, notwithstanding the certifi-
cate be not returned in the form the law now prescribes, being made
out before that law by the constables of Deerfield. [*Approved Novem-
ber 26.*]

CHAPTER 45.

VOTE FOR SETTING OFF A PRECINCT IN THE WESTERLY PART OF THE TOWN OF PLYMOUTH. [*Approved November 26.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 46.

VOTE FOR ALLOWING TEN POUNDS TO THE TOWN OF WENHAM IN CONSIDERATION OF OVER-TAXATION IN THE YEAR 1690.

UPON READING the petition of the selectmen of Wenham, praying an allowance of what they were overcharged upon their polls in assessments made in the year 1690, for so many men as they had then abroad in his majestie's service, other towns having been allowed the same, —

Ordered, That Mr. Treasurer do make allowance of the sum of ten pounds unto the said town of Wenham, upon the consideration aforesaid. [*Approved November 27.*]

CHAPTER 47.

ORDER FOR ABATING CERTAIN TAXES FORMERLY ASSESSED TO FERDINANDO THAYER AND WALTER COOK, BOTH OF MENDON.

UPON READING the several petitions of Ferdinando Thayer and Walter Cook of Mendon, therein setting forth the adversities that have severally befall'n them, whereby they are reduced to extream poverty and distress, praying that they may be remitted and abated the arrears of their rates, assessed upon them in the years 1689-90 and 91, yet unpaid; that is to say, seven pounds ten shillings from the said Thayer, and eight pounds fourteen shillings and twopence from the said Walter Cooke, —

Ordered, That the s^d. Thayer and Cooke be allowed and abated the respective sums in arrear as abovesaid, and that Mr. Treasurer do allow it in making up accompts with the several constables. [*Approved November 28.*]

CHAPTER 48.

ORDER GRANTING AND CONFIRMING TO SAMUEL SEWALL AND WIFE FIVE HUNDRED ACRES OF LAND AT PENNECOOK, IN PLACE OF LANDS FORMERLY GRANTED TO THEM ON MERRICONEAG NECK. [*Approved December 3.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 49.

ORDER FOR GRANTING AND CONFIRMING TO JAMES RUSSELL ONE THOUSAND ACRES OF UNAPPROPRIATED LAND NEAR QUINSIGAMOND POND. [*Approved December 3.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 50.

VOTE FOR APPROVING AND ALLOWING THE PROVINCE TREASURER'S ACCOUNTS FROM MAY 29 TO NOVEMBER 7, 1695.

THE ACCOMPTS of Mr. James Taylor, treasurer and receiver-gen^l. for this province, beginning the 29th day of May, 1695, and continued unto the 7th of November following, amounting unto the sum of twenty-seven thousand seven hundred ninety-seven pounds ten shillings and one penny, having been presented and laid before the house of representatives and inspected by said house, by which it appears there was standing out, on the said 7th day of November, the sum of eight thousand six hundred thirty-four pounds nine shillings and tenpence, to be drawn into the treasury and further to be accounted for, —

Voted, In concurrence with the representatives, that the said accompts, in the several articles of receipts and payments therein mentioned, amounting to the sum of nineteen thousand one hundred sixty-three pounds and threepence, be and hereby are approved and allowed of. [*Approved December 3.*]

CHAPTER 51.

VOTE FOR APPROVING AND ALLOWING THE PROVINCE TREASURER'S ACCOUNTS OF ARREARS FROM MAY 29 TO NOVEMBER 7, 1695.

MR. JAMES TAYLOR, treasurer and receiver-general, having presented his accompts of arrears of the public rates, made in the time of the former government, beginning the 29th of May, 1695, and continued unto the 7th day of November following, amounting unto the sum of one thousand eight hundred thirty-three pounds eleven shillings and eightpence, and the same being inspected and examined by a committee appointed by the house of representatives, who have reported thereon that the several articles of payments made by the treasurer, charged in the said accompt, amounting to the sum of eleven hundred forty-three pounds eleven shillings and ninepence, in part of the said one thousand eight hundred thirty-three pounds eleven shillings and eightpence, are made good by orders and vouchers, —

Voted, In concurrence with the representatives, that the said accompt be approved and allowed of, and that Mr. James Taylor, treasurer, be and hereby is discharged of and from the said sum of eleven hundred forty-three pounds eleven shillings and ninepence. [*Approved December 3.*]

CHAPTER 52.

VOTE FOR ALLOWING SIX SHILLINGS AND EIGHTPENCE, APIECE, TO WILLIAM HOLBROOK AND OTHERS FOR KILLING TWELVE WOLVES, TO BE PAID OUT OF THE ARREARS OF THE RATES OF THE TOWN OF MENDON.

Voted, In concurrence with the representatives, that Will^m. Holbrooke of Mendon and others be allowed six shillings and eightpence, apiece, for twelve wolves by them killed, out of the arrears of the rates of the town of Mendon, granted in the time of the late government, being so much as the law then allowed, and that M^r. Treasurer do accordingly pass the same, in accounting with the constables of said town. [*Approved December 4.*]

CHAPTER 53.

VOTE RESCINDING THE VOTE OF JUNE 22, 1695, AND AUTHORIZING THE PROVINCE TREASURER TO PAY OVER TO JOHN PHILLIPS, FORMERLY TREASURER, ETC., PUBLIC MONEYS IN HIS HANDS BELONGING TO SAID PHILLIPS.

WHEREAS by an order of this Court made at their Session begun the 29th day of May last past, y^e moneys then due from the Treasury unto John Phillips Esq^r. late Treasurer of the Massachusetts Colony upon his own motion was directed to lye as a Deposit in y^e Treasury till the Accompts of the old arrears in the time of his Treasurership be adjusted. And the present Treasur^r was therein also ordered to detain the same in his hands accordingly —

And Forasmuch as the s^d Accompts are now drawn well towards an Issue, and the s^d John Phillips being very well able and of Estate Sufficient to answer what and so much of the s^d Arrears as yet are outstanding that may be properly chargeable to him —

Voted That the Effect of the aforescited order do cease and that the Treasurer do no longer withhold the payment of the moneys owing unto the s^d John Phillips. he nevertheless standing obliged to make good out of his own proper Estate any sum or sums of the s^d Arrears that he ought to be accomptable and satisfye for — [*Approved December 6.*]

CHAPTER 54.

VOTE FOR ALLOWING SIXTY POUNDS TO ISAAC ADDINGTON, SECRETARY OF THE PROVINCE, FOR HIS EXTRAORDINARY SERVICES IN THE YEAR 1695-6.

THIS HOUSE considering the constant Labour & Charge of Isaac Addington Esqr His Maj^s Secretary; and that there are no Fees or Perquisites belonging to his Place any way proportionable to his Pains, Do *grant* that there be allowed unto the s^d Isaac Addington Esqr Secretary, out of the publick Treasury the Sum of Sixty pounds for his extraordinary Service in this present year 1695. And pray that the Hon^{ble} the Lieut Gov^r & Council will order the payment of it accordingly. [*Concurred in by the Council, and approved December 10.*]

CHAPTER 55.

VOTE FOR ALLOWING FIFTY POUNDS OUT OF THE PUBLIC TREASURY, TO NATHANIEL HALL, LATE SURGEON AT PEMAQUID, IN FULL FOR HIS WAGES AND THE ANNUAL PENSION GRANTED TO HIM BY THE LATE COLONY OF NEW PLYMOUTH.

UPON READING the petition of Capt. Nathaniel Hall and acc^{ts} annexed, therein setting forth that there is due unto him a considerable sum of money for wages for his serving as chirurgion to his maj^{ties}. garrison at Pemaquid, and looking after several persons wounded in his maj^{ties}. service, and for the arrears of an annual stipend granted unto him as a maimed souldier by the general court of the late colony of New Plimouth, his whole demand amounting unto sixty-three pounds,—

Voted, In concurrence with the representatives, that there be paid unto the said Capt. Hall, out of the treasury of this province, the sum of fifty pounds, in full of his said demands and stipend of five pounds a year during his life. [*Approved December 11.*]

CHAPTER 56.

DRAUGHT OF A LETTER TO THE GOVERNMENT OF THE COLONY OF CONNECTICUT RESPECTING THE BOUNDARY LINE BETWEEN THAT COLONY AND MASSACHUSETTS, TOGETHER WITH THE VOTE APPROVING THEREOF.

Hon^{ble} S^{rs}./.

Yo^{rs} of the 22th of Octobr^e past very Humbly directed has been received & perused In which wee observe your generous offer for our Compliance to a Line run by persons of your single appointment without our approbation or Consent, We intermeddle not with their Skill; But how far an Observation taken at that Season of the year, and with a new untryed Instrument, is to be depended upon may be worthy of Consideration, Comissioners from our Selves at your Request did lately attend a meeting with yo^{rs} to have agreed on the place where to begin the Line, That so Artists might have been set thereon to carry the same thrô. which was declined by those from you.

Gent.

Wee cannot but thinke you unreasonably give us trouble in a matter that has been anciently Setled and Stated by Artists of most approved and unquestioned Skill, a great many year's before the granting of yo^r Charter; which is bounded upon our Line; however our General Assembly at the motion of yo^r Comissioners did formerly make some Concession in yo^r Favour, Provided it were accepted by you within a certain time therein limited, And notwithstanding the Elapsing thereof, the Hon^{ble} our L^d Governo^r and Council did again offer the same unto yo^r Comission^{rs} at Boston this last Sum^{er}, would they have taken up therewith Your Conclusion That it will be no disadvantage to yo^r Selves or us that it be done before our Governo^r come over may carry something of Argument on yo^r part, Wee fear none by the delay, being determined to hold to our Line already so well and orderly Stated, and if you acquiesce not therewith, to improve such further

Claim as we lawfully may by virtue of his maj^{ty}s Royal Grant. You may rest assured that the Kings Govern^r over this his Province will not easily foregoe any part of his Jurisdiction.

We wrote you the last Sum^r about a Subject which we apprehend far more necessary at present for his Maj^{ty}s Service than the adjusting of Lines, namely to have your assistance both in men and money for a joint prosecution of the War against the co^mon Enemy; which you wholly pass over in Silence, and seem not to take notice of, nor are so kind as to make any answer unto, as if not concerned therein

We hope yo^r Charity as well as duty will revive the Consideration of that matter with you, that we may actually receive yo^r assistance in the Spring against the declared and avowed Enemies not onely of the English Interests but of the Protestant Religion.

You shall alwaies find us ready to give such assistance unto yo^r Selves as we may be able for the promoting of his Maj^{ty}s Service within yo^r Colony; being sincer^{ly} desirous of maintaining a good understanding and correspondence with our fellow Subjects of the neighbouring Governments.

Boston, Dec^r 12th 1695: *Voted* in the house of Representatives and past in y^e affirmatine & sent up to the hon^{ble} L^t Gov^r & Council for a Concurrence

NEHEMIAH JEWET *Speaker*

Vot^d a concurrence in Council. Dec^r 12th 1695.

Is^a ADDINGTON *Sec^{ry}*. — [*Passed*

December 12.

CHAPTER 57.

DRAUGHT OF A PROCLAMATION FOR THANKSGIVING, AND THE VOTE ORDERING THAT IT BE PRINTED AND PUBLISHED.

A BILL appointing of Thursday the sixteenth day of Jan^{ry} next to be a day for public Thanksgiving was read and past to be printed and published, — [*December 13.*

PROVINCE OF THE
MASSACHUSETTS BAY
IN N E:

By the Hon^{ble} the L^t Gov^r Council & Assembly

Considering the manyfold Experience the Inhabitants of this Province have had of the Preventing Goodness of God, during the present War; inasmuch as thô we have been cast down; yet we are not destroyed thereby; and that in some Towns there has been a full Harvest; and in others, so much is reserved towards our necessary sup^{ly} of Bread; and that there has been plenty of Grass in the field; Health in our Borders; And that Success has been granted to His Majesty & y^e Confederate Arms, this last Sum^r

This Court do *Order* that Thursday the sixteenth day of January, next be observed as a Day of solemn & publick THANKSGIVING throughout the Province, hereby forbidding all servile Labour thereon: And the Ministers & People of this Province are Exorted in humble & cheerfull maⁿer to attend so great a Duty: That so God may continue to grant us what is convenient for us; and that we may employ all the Gifts of God, only in His Service and to His Honor & Glory.

CHAPTER 58.

VOTE FOR ALLOWING FOUR POUNDS TWELVE SHILLINGS AND EIGHT-PENCE TO HENRY DERING, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES.

Voted, in the House of Representatives, and Past in y^e affirmative that Henry Dering be allowed, and paid out of y^e Publick Treasury of this Province the Summ of foure Pounds twelue shillings & 8^d In full for his Service as Clerke to this House — [*Concurred in by the Council, and approved December 13.*]

CHAPTER 59.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE INDIANS AT NATICK TO SURVEY, ETC., LANDS CLAIMED BY SAMUEL GOOKIN AND SAMUEL HOW. [*Approved December 13.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 60.

ORDER FOR ABATING TO THE TOWN OF SUFFIELD TWO HUNDRED POUNDS OF THE SUM ASSESSED UPON THAT TOWN, AND FOR COLLECTING THE REMAINDER AS ALSO THE ARREARS OF TAXES DUE BY THE TOWN OF ENFIELD.

UPON CONSIDERATION of the Interruption given unto the Inhabitants of the Town of Suffield within this his Maj^{ty}s Province, by the Government of Connecticutt, claiming the s^d Township or the greater part thereof to fall within the Line of their Patent; whereby they are very much in arrear and behind of their Proportion to the Publick assessments the Sum of ffour hundred thirty two pounds Seven Shillings and nine pence as appears by the accompts of the Treasury; which Sum they are unable to pay without apparent ruin and breaking up of the Town.

Ordered, That the s^d Town be abated the Sum of two hundred pounds out of £.284: 15: 10. due from them as arrears of the Assessm^{ts} granted in the time of the former Governm^t. And that m^r Treasurer do by all the powers and directions provided in the Law, pursue the calling in of all the remainder of the publick assessm^{ts} standing out in the s^d Town, as also what is outstanding in y^e arrears of the Town of Enfield [*Approved December 14.*]

RESOLVE, VOTES, ORDERS, AND PROCLAMATION

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-SIXTH* DAY OF FEBRUARY, A. D.
1695-6.

CHAPTER 61.

RESOLVE DECLARING THAT THE WANT OF A QUORUM OF THE REPRESENTATIVES ON THE DAY TO WHICH THE GENERAL COURT STANDS ADJOURNED DOES NOT DISCONTINUE THE ASSEMBLY.

IT BEING QUERIED, upon the law of the province† for ascertaining the number and regulating the house of representatives, whether the non-appearance of the full number of forty representatives on the day appointed to meet by the adjournment do not discontinue the court (his honour proposing to call a new assembly), after debate thereon the council and house of representatives, —

Resolved it in the negative. [*Passed February 28, 1695-6.*]

CHAPTER 62.

VOTE FOR ALLOWING FORTY POUNDS, EACH, TO THOMAS DANFORTH, WAIT WINTHROP, ELISHA COOKE AND SAMUEL SEWALL, JUSTICES OF THE SUPERIOR COURT, ETC., FOR THEIR SERVICES TO DECEMBER, 1695.

Voted in the house of Representatives. That Tho: Danforth Esq: Waite Winthrop Esq: Elisha Cooke Esq: & Samuel Seawall Esq: Be Paid out of the Publique Treasury of this Province, forty Pounds Each, for their last yeares Service as Judges of the Circuits (to Dec: last)%. [*Concurred in by the Council, and approved March 6, 1695-6.*]

CHAPTER 63.

VOTE FOR ALLOWING FORTY POUNDS TO CAPTAIN STEPHEN GREENLEAF OF NEWBURY, A WOUNDED SOLDIER.

UPON READING the petition of Captⁿ Stephen Greenleaf of Newbury, lately wounded and maimed in his maj^{ty}'s service, praying some

* The General Court stood adjourned to this day; but a violent snow-storm with a high wind, on the 25th, so impeded travel, that but ten representatives appeared at the appointed time. The 26th was an extremely cold day, and this, with the difficulty of travelling through the snow-drifts prevented the attendance of more than thirty-two representatives on the 27th. The Court was therefore adjourned to the 28th, when, a quorum of the House being present, a speaker was chosen, and the Assembly proceeded to business. See note to resolve, chapter 61, of this year, *post*.

† 1692-3, chapter 38, vol I., p. 88, *ante*.

allowance and compensation for his smart, cure, loss of time and of the use of his left hand, —

Voted, A concurrence with the representatives, that the said Capt. Stephen Greenleaf be paid, out of the province treasury, the sum of forty pounds, which shall be in full of what he hath been out upon cure and what yearly pension he might have expected had not this been granted. [*Approved March 7, 1695-6.*]

CHAPTER 64.

ORDER FOR PAYING THIRTY SHILLINGS A MONTH TO ALL ABLE SEAMEN EMPLOYED IN HIS MAJESTY'S SERVICE.

FOR THE BETTER ENCOURAGEMENT of Seamen and Souldiers to attend his Maj^{ty's} Service

Ordered, That the pay of all able Seamen imployed in said Service be Thirty Shillings p month. And that all Souldiers imployed in an Expedition to Port Royal or any other place within the Bay of Fundy be paid the like Sum of Thirty Shillings p month each private Sentinel/. [*Approved March 7, 1695-6.*]

CHAPTER 65.

VOTE FOR ALLOWING THIRTY-ONE POUNDS FIFTEEN SHILLINGS AND FOURPENCE TO CALEB RAY, KEEPER OF THE PRISON IN BOSTON, FOR THE KEEPING OF BOMAZEEN AND THREE OTHER INDIAN CAPTIVES.

THE ACCOMPT of Caleb Ray, keeper of his maj^{tie's} goal in Boston, of his charges and expences, for the keeping and diating of Bomazeen and three other Indian captives, from the first of March, 1694-5, to the 27th of February, 1695, with charges relating to the prison and other prisoners there, amounting to £45 1. 2d., was presented, and the allowance made by the representatives of thirty-one pounds fifteen shillings and fourpence towards the same, to be paid unto the said keeper, out of the public treasury, which sum does include the £10 13s. allowed by this court at their sessions in May last, no order having been made out for payment thereof, was read and a concurrence therewith, —

Voted. [*Approved March 7, 1695-6.*]

CHAPTER 66.

VOTE FOR ALLOWING COMPENSATION TO JAMES MAXWELL, DOOR-KEEPER TO THE GOVERNOR, COUNCIL AND ASSEMBLY.

Voted, That James Maxwell Doorkeeper and Messenger, be allowed and paid out of the publick Treasury, after the rate of thirty pounds p ann^ũ for his Service in attending the Hon^{ble} the I^d Governo^r and Council as also the Assembly at their Several Sittings in this year ending the Eighth — day of June next comeing [*Approved March 7, 1695-6.*]

CHAPTER 67.

VOTE AND PROCLAMATION APPOINTING THURSDAY, THE SECOND DAY OF APRIL, 1696, AS A DAY OF SOLEMN HUMILIATION FOR PRAYER AND FASTING.

Voted in the house of Representatives — That Thursday the Second day of Aprill next be sett a part as a day of Solemn Humiliation for Prayer and fasting — [*Concurred in by the Council, and approved March 7, 1695-6.*]

PROVINCE OF THE
MASSACHUSETTS BAY.

By the Hono^{ble} the Lieu^t Governo^r and Co^mmander in Cheif, Council and Assembly.—.

The Sensible Effects of displeasure manifested in the late awful Rebukes of divine providence, loudly calling us to adore the holy Sovereignty of God, and to lye in the dust before him with humble and fervent Supplications, That he would not remember against us our Iniquitys; But let his mercies speedily prevent us; That he would graciously dispose the Important Affaires of the Ensueing year, Preserve and Succeed his Majesty in his hazardous Enterprizes, and defeat the designs of his Enemys; Smile upon all the publick Interests and changes wherein we are or may be concerned, Bless the husbandry, become our defence, and Advance the Kingdom of Christ throughout the world.

It's therefore Ordered That Thursday the Second of April next be Solemnly set apart for prayer with Fasting before the God of Heaven, throughout this Province, for the bestowment of the Favours above-mentioned. And all Servile Labour upon the said day is hereby strictly forbidden. Given at the Council Chambr in Boston the 7th of March. 1695/6. In the Eighth year of his Maj^{tys} Reign.

W^m STOUGHTON

CHAPTER 68.

ORDER FOR INDEMNIFYING THE PRESENT TREASURER OF THE PROVINCE, AND HIS LEGAL REPRESENTATIVES, FROM LOSS ON ACCOUNT OF DEBTS DUE FROM THE TREASURY AT THE END OF HIS TERM, EXCEPT FOR WHAT HE IS CHARGEABLE WITH THROUGH MISTAKE, ETC.

UPON CONSIDERATION, That by reason of y^e frequent demands, made from y^e Treasury: for his Maj^{tys} Service; relateing to y^e affayres of y^e Warr, defence of y^e Province, and Support of his Maj^{tys} Govern^{mt} with in y^e same; before y^e Supplys, from time, to time, granted: can be collected, and drawn in; the Treasurer, is necessitated, to draw upon Constables, Collectors, & other Sub Receivers: to answer & discharge such orders, or debentures, as are granted, unto officers, Souldiers, Seamen, & others, or otherwise to gine Creditt, in the Treasury Bookes, unto y^e persons haueing such Orders, or debentures, for y^e Severall Summs therein expressed; or for so much thereof, as he is not enabled to pay presently; whereby they haue advantage, of discounting, what they are indebted to the Publick, on acco^t of Taxes, Impost,

Excise, or other wise, & may gradually receive & be fully paid what is owing unto them as aforesaid; which way, and method, is experienced to give great Satisfaction; & to quiet the clamours, & contents, which would other wise arise; And with out which, his Maj^{ty's} Service would be greatly discouraged, and disappointed.

To the Intent therefore, That the Treasurer, nor his Heires, be any wayes Injured, or damnified, by reason of his death, or removeall, from y^e sd: Office: before his notes, or orders, drawn, or to be drawn, upon Constables, Collectors, or other Sub Receivers, be brought in, and Accounted for; or the Creditts, made, or to be made, as aforesaid: be fully Issued;

It is Ordered, that at the death, or other Removeall of the Present Treasurer; his Successor, in the said Office, upon Transmitting of the Accompts of the Treasury unto him, shall accept, and Receive the same, in such form, as the Generall Assembly; shall approve, and direct; so as to indemnify, and Secure the present Treasurer: his Heires, Executors, or Administrators, from being personally Obligated, or any wayes liable, to answer any Creditts, or other Just dues, from the Treasury, at that time, other, than what by mistake, he is personally chargeable with. [Approved March 7, 1695-6.]

CHAPTER 69.

ORDER FOR REVIVING AND CONFIRMING AN ORDER OF THE GENERAL COURT OF PLYMOUTH COLONY, IN 1682, RESPECTING THE MAINTENANCE OF JONES-RIVER AND EEL-RIVER BRIDGES, AND PROVIDING FOR THE REBUILDING AND FUTURE MAINTENANCE OF SAID BRIDGES.

WHEREAS at a Gen^l Court holden at Plimouth for that Colony the 6th of feb. 1682. before that Colony was divided into Countys It was Ordered that Plimouth with the other Southern Towns should maintain Jons Riuer Bridge & the Ele Riuer bridg according to Proportion as they are in the Cuntry Rates. & that the said Towns shall be free from being charged towards the building any other bridg out of their Respective Townships.

And Jons Riuer bridg being Lately burned Down & the Ele Riuer bridge falling to decay The Justices in Sessions at Plimouth makeing application to this Court for the Confirmation & Renewing of the said order

This Court on Consideration of the Premises do *Revive & Confirm* the aboue Recited order for maintenance of the said Bridges

And for the speedy Rebuilding of Jones Riuer bridge & future Maintenance of both the said bridges

And it's further order^d that the Justices in quarter Sessions in the County of Barnstable shall appoint some meet p^rson or p^rsons to Joyn with the Select men of the Town of Plimouth or such as they shall appoint & soe from time to time as occasion shall Require who shall take Effectuall order for the Rebuilding Jones Riuer bridge & maintenance of both the said Bridges the Charge wherof to be borne & Defreyed by all the Towns in the County of Barnstable & Town of Plimouth according to Proportion as they are in the Cuntry Rates as was formerly ordered And that the Causways leading on to the said bridges shall be Repaired from time to time by the Towns in which they lye as hath been formerly accustomed

And futher it is hereby *ordered* That the Towns of Sittuate Marshfeild & Duxbury shall maintaine the North Riner bridge according to former agreement of that Colony & the said Towns to be free from being charged towards the building or maintaining of any other bridge out of their Respective Townships [*Approved March 7, 1695-6.*]

CHAPTER 70.

ORDER FOR PAYING OUT OF THE PROVINCE TREASURY TO SUNDRY PERSONS THE VALUE OF UNENDORSED BILLS OF PUBLIC CREDIT BROUGHT IN TO THE TREASURY BY THEM.

AN ACCOUNT of bills of credit unendorst, brought into the treasury by sundry persons, amounting to the sum of nine pounds and three shillings, was presented, and, —

Ordered, That M^r Treasurer do pay unto each of the said persons the like sum in said bills expressed. [*Approved March 7, 1695-6.*]

ORDERS, PROCLAMATIONS,
VOTES,
LETTER, ADDRESSES, ETC.,

PASSED 1696-7.

LEGISLATIVE LIST

FOR

1696-7.

WILLIAM STOUGHTON, Esq.,
LIEUTENANT- OR DEPUTY-GOVERNOR, ETC.*
(ACTING GOVERNOR.)

ISAAC ADDINGTON, Esq.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.

Of the inhabitants of, or proprietors of, lands within the territory formerly called the Colony of the Massachusetts Bay: —

| | |
|---------------------------|-------------------------|
| WILLIAM STOUGHTON, Esq., | SAMUEL SEWALL, Esq., |
| THOMAS DANFORTH, Esq., | ISAAC ADDINGTON, Esq., |
| JOHN PYNCHON, Esq., | JOHN PHILLIPS, Esq., |
| WAIT WINTHROP, Esq., | JONATHAN CORWIN, Esq., |
| BARTHOLOMEW GEDNEY, Esq., | SAMUEL SHRIMPTON, Esq., |
| JAMES RUSSELL, Esq., | WILLIAM BROWNE, Esq., |
| ELISHA COOKE, Esq., | JOHN FOSTER, Esq., |
| JOHN HATHORNE, Esq., | PETER SERGEANT, Esq., |
| ELISHA HUTCHINSON, Esq., | DANIEL PEIRCE, Esq., |
| JOHN WALLEY, Esq.† | |

Of the inhabitants of, or proprietors of, lands within the territory formerly called New Plymouth: —

| | |
|--------------------------|--------------------------|
| WILLIAM BRADFORD, Esq., | JOHN THACHER, Esq.,† |
| BARNABAS LOTHIROP, Esq., | NATHANIEL THOMAS, Esq.,§ |
| JOHN SAFFIN, Esq.† | |

Of the inhabitants of, or proprietors of, land within the territory formerly called the Province of Maine: —

| | |
|---------------------------|----------------------|
| SAMUEL WHEELWRIGHT, Esq., | CHARLES FROST, Esq., |
| ELIAKIM HUTCHINSON, Esq. | |

Of the inhabitants of, or proprietors of, land within the territory lying between the river of Sagadahoc and Nova Scotia: —

JOSEPH LYNDE, Esq.

* For the full title, see note * on p. 71, and note † on p. 43, *ante*.

† By Sewall's Diary it appears that he was chosen for the province, "at large."

‡ Thacher took the qualifying oaths September 17th. He was not present during the first session. — *Council Records, vol. VI, p. 472.*

§ Thomas appears to have first sat in the Council, September 16th; but there is no record of his having taken the qualifying oaths.

REPRESENTATIVES OR DEPUTIES.

May 27, 1696 to March 31, 1696-7.

PENN TOWNSEND, ESQ., SPEAKER.

| COUNTY OF SUFFOLK. | | COUNTY OF MIDDLESEX — <i>Concluded.</i> | |
|----------------------|--|---|--|
| <i>Boston,</i> | Maj. Penn Townsend, Esq., John Eyre, Esq., Capt. Nathaniel Byfield, Mr. Nathaniel Oliver. | <i>Reading,</i> | Capt. John Browne. |
| | | <i>Newton,</i> | Mr. John Ward. |
| | | <i>Watertown,</i> | Capt. Benjamin Gearfield, senior.** |
| <i>Dorchester,</i> | Capt. Samuel Clap.* | <i>Billerica,</i> | Mr. Samuel Manning. |
| <i>Roxbury,</i> | Lieut. Samuel Ruggles. | <i>Chelmsford,</i> | Mr. Nathaniel Hill. |
| <i>Milton,</i> | Mr. George Sumner.† | <i>Sudbury,</i> | Mr. Joseph Noyes, senior.†† |
| <i>Braintree,</i> | Mr. Nathaniel Wales.‡ | <i>Marlborough,</i> | Mr. Abraham Williams. |
| <i>Hingham,</i> | Ensign David Hobart. | | |
| <i>Weymouth,</i> | Maj. Ephraim Hunt,§ Capt. Ebenezer White. | COUNTY OF BRISTOL. | |
| | | <i>Bristol,</i> | Mr. Ebenezer Brenton. |
| <i>Dedham,</i> | Mr. John Fuller | <i>Taunton,</i> | Mr. John Hathway, Capt. Thomas Leonard.‡‡ |
| <i>Medfield,</i> | Mr. Joseph Clark. | <i>Rehoboth,</i> | Deacon Samuel Newman.§§ |
| | | <i>Swansey,</i> | Mr. Obadiah Bowen.¶¶ |
| COUNTY OF MIDDLESEX. | | <i>Little Compton,</i> | Mr. William Southworth. |
| <i>Cambridge,</i> | Mr. John Leverett. | <i>Tiverton,</i> | Maj. Benjamin Church. |
| <i>Charlestown,</i> | Capt. Richard Sprague, Mr. Nathaniel Cary. | | |
| <i>Malden,</i> | Capt. John Green. | COUNTY OF YORK. | |
| <i>Concord,</i> | Capt. Ephraim Flint. | <i>Kittery,</i> | Lieut. John Shapleigh |
| <i>Woburn,</i> | Maj. James Convers.¶¶ | | |

* "Clapp," in the Secretary's list.

† Not in the Secretary's list, although he was sworn and his election appears in the town records.

‡ It appears by the town records that Mr. Nathaniel Wales was paid £6 as representative, *anno* 1696.

§ The signatures of Hunt and White appear together in the list of sworn representatives. It is conjectured that Weymouth sent two deputies this year. The town records are deficient at this date, and the name is not in the Secretary's list; but "Lientenant," or "Captain," Ebenezer White was an inhabitant of this town, and was selectman in 1693-4, and no other person of this name is known, to whom the signature to the qualifying oaths may be ascribed.

¶ An important decision by the House of Representatives, this year, which would appear in the journals of the House, were they in existence, has been preserved by means of the following entry in the town records of Woburn:—

"May ye 11th (1696) the freeholders and other Inhabit^{ts} of Woobourne qualefyed as the Law directs, vpon dne warning giuen, assembled & mett together and made choyce of James Convers jun^r and Lt Joseph wright to serue as their deputyes for ye yeare Jnsneing, they to serue in y^t place severaly and not together, the one at one sessions of s^d Court & y^e other at an other sessions and so sucesseynely dureing ye severall sessions of ye Gen^l Court dureing this wholl yeare, or till ye s^d Court be disolued, May ye 28 1696) ye Gen^l Court disalowd of two deputyes serving in ye manner abou s^d and voted y^t only Jam^s Convers should serue in all ye sessions thereof." — *Vol. 4.*

The practice of choosing two deputies to represent a town, alternately, during different sessions of the same legislative year, was thus declared irregular, and a precedent established for the future. See, *ante*, notes to the representatives, in previous years, from the following towns: Wenham, 1692-3; Topsfield, 1693; and Newbury, 1691-5.

** "Garfield," in the Secretary's list, and "senior," in the town records.

†† "Senior," in the town records.

‡‡ Leonard took and subscribed the oaths, this year, but his name is not in the Secretary's list.

§§ At a town meeting duly warned and held, for the purpose, on the eleventh of May, "Mr. Sweeting" was chosen representative, but he refusing to serve, Moses Read was chosen, who also refused. Samuel Bullock was next chosen, who likewise refused; and the meeting was thereupon adjourned to the fourteenth, when Richard Bowen, senior, Nathaniel Chaffee, and Samuel Perry, successively, were chosen and refused. A new meeting was held on the twentieth, when Deacon Samuel Newman was chosen. He appeared at the opening of the first session and took and subscribed the qualifying oaths.

¶¶ This appears in the town records; but his name is not in the Secretary's list nor among the names of the subscribers to the qualifying oaths.

||| "Shapleigh," in the town records, and "Shapleigh," in the Secretary's list.

| COUNTY OF ESSEX. | | COUNTY OF PLYMOUTH. | |
|----------------------|---|-----------------------|---------------------------|
| <i>Salem,</i> | Mr. Benjamin Marston. | <i>Plymouth,</i> | Mr. Nathaniel Southworth. |
| <i>Ipswich,</i> | Mr. Nehemiah Jewet, Mr. John Wainwright. | <i>Marshfield,</i> | Mr. Isaac Little.** |
| <i>Newbury,</i> | Capt. Thomas Noyes. | <i>Scituate,</i> | Mr. Samuel Clap.†† |
| <i>Lynn,</i> | Capt. John Burrill, jun.* | <i>Bridgewater,</i> | Mr. David Perkins. |
| <i>Marblehead,</i> | Capt. Nathaniel Norden. | COUNTY OF BARNSTABLE. | |
| <i>Beverly,</i> | Capt. John Dodge.‡ | <i>Barnstable,</i> | Mr. John Otis. |
| <i>Gloucester,</i> | Capt. James Davis. | <i>Sandwich,</i> | Stephen Skeffe, Esq.‡‡ |
| <i>Topsfield,</i> | Mr. Tobijah Perkins.‡ | <i>Yarmouth,</i> | Mr. Thomas Sturgis.§§ |
| <i>Andover,</i> | Capt. Christopher Osgood. | <i>Eastham,</i> | Mr. Thomas Paine.¶¶ |
| <i>Haverhill,</i> | Mr. Peter Ayer § | ISLAND OF NANTUCKET. | |
| <i>Rowley,</i> | Mr. James Dickinson. | Mr. James Coffin. | |
| <i>Salisbury,</i> | Mr. Jacob Morrill.¶ | DUKES COUNTY. | |
| <i>Amesbury,</i> | Lieut. John Barnard. | | |
| COUNTY OF HAMPSHIRE. | | <i>Edgartown</i> | } Mr. Matthew Mayhew. |
| <i>Northampton,</i> | Mr. Joseph Parsons. | <i>and</i> | |
| <i>Springfield,</i> | Sergeant Luke Hitchcock. | <i>Chilmark,</i> | |
| <i>Hatfield,</i> | Capt. Samuel Partrigg. | | |

ADDINGTON DAVENPORT, *Clerk.*

JAMES MAXWELL, *Doorkeeper, and Messenger to the Lieutenant Governor and Council.*

HENRY EMMES, *Messenger of the House of Representatives.****

* "Capt. John Burrell," in the Secretary's list; but "John Burrill, jun.," in the town records.

† "Dodge," in the Secretary's lists for this and previous years, and also in the town records.

‡ See note to this name in the legislative list for the previous year.

§ "Eyre," in the Secretary's list.

¶ "Morrell," in the Secretary's list and the town records.

|| "Sergeant," in the town records.

** At a town meeting duly held for the purpose, on the eighteenth of May, Joseph Waterman was chosen representative for this year, but, he declining to serve, Mr. Isaac Winslow was next chosen, who also refused; whereupon another meeting was appointed for the eighth of June, when Samuel Sprague and John Foster, successively, were chosen and refused; and still another meeting was appointed for the first Monday in July. As Isaac Little appeared, and took and subscribed the qualifying oaths, it is inferred that he was chosen at the meeting last appointed, although no memorandum of the fact of his election has been found in the town records.

†† "Clapp," in the Secretary's list.

‡‡ "Skiffe," in the Secretary's list, and "Skiff," in the town records.

§§ Erroneously written "Francis," in the Secretary's list; but it is "Thomas," in the town records, and so subscribed to the qualifying oaths.

¶¶ "Pain," in the Secretary's list.

|||| Not in the Secretary's list, and the town records are not preserved; but his name appears in the list of representatives of the year previous, and he subscribed the qualifying oaths this year.

*** Emmes was granted compensation for his services in this capacity during the November session, this year, and Robert "Gutteridge," or Goodrich, was paid for similar services rendered during the last session. The latter, however, clearly appears to have acted as a special messenger for a particular service, and there is nothing on record to show that Emmes held the office by a standing appointment; while the comparatively large compensation received by Maxwell, and the express declaration in resolve 67, *post*, that he was paid for a year's service, in attending the Lieutenant-Governor and the Council, and for "attendance on the Assembly [*i. e.*, the House] at their several sittings this year," lead to the conclusion that he was, probably, the regularly appointed, or standing, messenger as well as doorkeeper for both branches. — Compare resolves 67, 81 and 82, *post*.

NOTE. — The members of the General Court signed the "Association" under the act of parliament, 7 and 8 Wm. III., ch. 27, for the first time, on the eighteenth of September this year. The following are the only names not subscribed to this paper, which is preserved in the state archives, vol. 106, p. 395; viz., Wait Winthrop and Bartholomew Gedney of the Council, and Sumner, of Milton; Wales, of Braintree; White, of Weymouth; Clark, of Medfield; Cary, of Charlestown; Leonard, of Taunton; Bowen, of Swanze; Church, of Tiverton; Shapleigh, of Kittery; Partridge, of Hatfield; Little, of Marshfield; Clap, of Scituate; Perkins, of Bridgewater and Skeffe, of Sandwich.

ORDERS, PROCLAMATION, VOTES AND DRAUGHT OF LETTER

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-SEVENTH DAY OF MAY, A.D. 1696.

CHAPTER 1.

ORDER AND PROCLAMATION APPOINTING THURSDAY, THE EIGHTEENTH DAY OF JUNE, 1696, AS A DAY OF PUBLIC THANKSGIVING.

A BILL was *ordered* to be drawn up for appointing of a day of publick thanksgiving for the early discovery of a horrid and detestable plott and conspiracy to assassinate the royal person of his sacred majesty, and the preservation of his maj^{ty} and his kingdoms from insurrection and invasion, and accordingly presented, read and agreed to be upon Thursday, the 18th of June next. [*Approved May 30.*]

PROVINCE of the
MASSACHUSETTS Bay.

By the Hon^{ble} the L^d Gov^r and Comand^r in Chief in and over his Ma^{ty}s. Province of the Massachusetts Bay in N. England. the Council and Representatives in General Court assembled within the same. —

This Court being affectionatly Sensible of y^e singular Providence of God in the Early discovery of a most horrid and detestable Conspiracy to Assassinate the Royal Person of our most Gracious Sovereign Lord the King; whome God has eminently Spirited to expose himselfe in the defence of the Protestant Interests And upon whose life the Safety and Welfare of his Maj^{ty}s Dominions do so intirely depend; And at the same time to make an Insurrection within his ma^{ty}s Kingdoms in Conjunction wth an intended Invasion by his Enemies from abroad; The Intelligences whereof are lately arrived to these parts; And as we have a just detestation and abhorrence of so Villanous and barbarous a design; So we accompt it our duty to acknowledge with all humble thankfulness the Special and Signal mercy and Goodness of God in detecting and preventing of the same from takeing Effect.

And Do therefore *appoint* and *Order* That Thursday the Eighteenth of June next be Set apart as a day of Publick Thanksgiveing throughout this Province And hereby Reco^mend it to the several Ministers and Congregations within the same to offer up solemn and hearty prayes unto Almighty God for so great deliv^rance and preservation of his Majty and his Kingdoms. And therewth to conjoyne their sincere and fervent Supplica-

tions That God of his infinite mercy would continue his Gracious Providence towards his Maj^{ty}: preserve his life, prosper his Governm^t: Detect and frustrate all y^e attempts of false and Traiterous Conspirators, and Succeed his armes both by Sea and Land. And all Servile Labour is hereby forbidden upon the said day — Given at the Court house in Boston In y^e 8th year of his Ma^{ty}s. Reign.

CHAPTER 2.

VOTE FOR APPROVING AND ALLOWING THE PROVINCE TREASURER'S ACCOUNTS FROM NOVEMBER 7, 1695, TO MAY 7, 1696.

THE ACCOMPTS of M^r James Taylor, treasurer and receiver-general for this province, beginning the seventh day of Nov^r, 1695, and continued unto the twenty-seventh day of May, 1696, amounting unto the sum of twenty-one thousand eight hundred and nine pounds two shillings and threepence, having been presented and laid before the house to* representatives, and inspected by said house, by which it appears there was standing out on the said 27th day of May the sum of seven thousand five hundred seventy-seven pounds, to be drawn into the treasury and further to be accounted for, —

Voted, That the said accompts, in the several articles of receipts and payments therein mentioned, amounting unto the sum of fourteen thousand two hundred thirty-two pounds two shillings and threepence, be and hereby are approved and allowed of, and the said treasurer is hereby discharged of the said sum of fourteen thousand two hundred thirty-two pounds two shillings and threepence. [*Approved June 2.*]

CHAPTER 3.

ORDER FOR THE STAY OF AN EXECUTION ISSUED BY THE PROVINCE TREASURER AGAINST JOHN DEXTER, CONSTABLE OF THE TOWN OF ROCHESTER, AND FOR AUTHORIZING SAID CONSTABLE TO COLLECT CERTAIN TAXES.

UPON READING the petition of John Dexter, late constable of the town of Rochester, praying to be relieved against an execution, made out by the treasurer, to levy of the petitioner's proper estate the sum of fourteen pounds thirteen shillings and one penny, being the said town's proportion to a public rate or assessment, *anno* 1694, which he therein sets forth he has not been capacitated to collect, —

Ordered, That there be a stay of the said execution, and that the selectmen of said town do draw out and deliver unto the said John Dexter a fair list of the said rate or assessment, and that he be impowered, by warrant from the treasurer, to collect the same. [*Approved June 4.*]

* *Sic.*

CHAPTER 4.

ORDER FOR ALLOWING TEN POUNDS TO THE SELECTMEN OF THE TOWN OF HADLEY, FOR TEN WOLVES KILLED IN THAT TOWN.

UPON READING the petition of Jonathan Marsh, Nath^l. White and Samuel Smith, late selectmen of the town of Hadley, *anno* 1694, praying that the said town may be reimbursed the sum of ten pounds for ten grown wolves killed in said town that year, for which payment is made out of the town stock, M^r. Treasurer refusing to allow the same, as the law directs, for that certificate is not returned to him in that forme as the law now provides, this matter being transacted before that form of certificate was appointed, —

Ordered, That the selectmen of said town of Hadley be allowed and paid, out of the public treasury, the said sum of ten pounds. [*Approved June 6.*]

CHAPTER 5.

ORDER FOR ALLOWING SIX POUNDS TO THE SELECTMEN OF THE TOWN OF HATFIELD FOR SIX WOLVES KILLED IN THAT TOWN.

UPON READING the petition of Thomas Nash and Nath^l. Graves of Hatfield, praying to be allowed, out of the public treasury, the sum of six pounds for six wolves, as by certificate under the hands of the selectmen, which was passed before the law now prescribing another forme for certificates, —

Ordered, That the selectmen of said town of Hatfield, in behalf of the town, be allowed and paid, out of the public treasury, the said sum of six pounds money. [*Approved June 6.*]

CHAPTER 6.

ORDER FOR ALLOWING AND PAYING OUT OF THE PROVINCE TREASURY THE SUM OF TWO POUNDS THIRTEEN SHILLINGS AND TWO-PENCE TO JOHN DEXTER, LATE CONSTABLE OF THE TOWN OF SANDWICH.

UPON READING the petition of John Dexter, late constable of the town of Sandwich, within the county of Barnstable, therein setting forth that by the miscast of the list of the first part of the tax or assessment of four shillings per poll and fourpence on the pound for estates, made in the year 1695 and committed to him to collect, he is overcharged, in the sum total of said list, fifty-three shillings and twopence more than all the particulars will make up or amount unto, and that distress is made of his estate by virtue of the treasurer's warrant; praying to be releived, —

Ordered, That the petitioner be allowed and paid the sum of two pounds thirteen shillings and twopence, out of the public treasurer.* [*Approved June 8.*]

* *Sic.*

CHAPTER 7.

VOTE FOR ALLOWING AND PAYING TO THE TOWN OF BOSTON, FROM THE PROVINCE TREASURY, THE SUM OF NINETEEN POUNDS AND FOURTEEN SHILLINGS, PURSUANT TO THE ACT OF NOVEMBER 25, 1692, FOR PUTTING AND KEEPING IN REPAIR THE TOWN-HOUSE IN BOSTON.

AN ACCOMPT of disbursements made by the town treasurer of Boston for paving about the town-house in Boston, amounting to the sum of thirty-nine pounds eight shillings, sent up from the representatives, with their vote thereupon that the one-half of said accompt, being nineteen pounds fourteen shillings, be allowed, and paid out of the public treasury, pursuant to an act of the province for repairing of the town-house, was read and a concurrence therewith, —

Voted. [Approved June 9.]

CHAPTER 8.

VOTE FOR GRANTING TO SAMUEL SEWALL AND WIFE FIVE HUNDRED ACRES OF LAND ON THE NORTH SIDE OF CONNECTICUT ROAD, TO COMPLETE A GRANT OF ONE THOUSAND ACRES CONFIRMED UNTO THEM IN NOVEMBER, 1693. [Approved June 9.]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 9.

ORDER DIRECTING THE JUSTICES OF THE COURT OF SESSIONS, AND THE JUSTICES OF THE INFERIOR COURT OF COMMON PLEAS, FOR THE COUNTY OF BRISTOL, AND THE SELECTMEN OF THE TOWN OF BRISTOL FOR THE YEAR 1695, TO APPEAR AND ANSWER TO THE COMPLAINTS OF JOHN WILKINS AND NATHANIEL OLIVER, AND ORDERING THE COMPLAINANTS TO BE PRESENT AT THE HEARING.

WHEREAS, the denial of jury to one of his maj^{ties}. subjects, and raising money upon the people without their consent, as also the refusal of an appeal, have been by this hon^{ble}. house resolved to be greivances, and ought to be animadverted upon and redressed; and whereas the justices of the quarter sessions for the county of Bristol, and the selectmen of the town of Bristol for the year 1695, also the justices of the inferiour court of common pleas for Dukes county, are complained of as the aggrievours in the articles aforesaid, in the petitions of M^r. John Wilkins and M^r. Nathaniel Oliver, this house humbly moves his honour the lieut.-governour to command said justices, and the selectmen aforesaid, to attend this court, to answer such articles as in said petitions are laid against them, and to appoint the time when they shall give their attendance; and that the petitioners be ordered to attend at the same time to prosecute their respective complaints.

And his honour the lieut.-gov^r. with advice of the council, directed

that the several persons complained of as herein mentioned, be summoned to attend, upon the second Wednesday of the next sitting of this court. [*Approved June 9.*]

CHAPTER 10.

VOTE ON THE COMPLAINT OF THE DEFENDANT IN THE ACTION OF GOVE *versus* GIBSON, IN THE COUNTY OF MIDDLESEX, DIRECTING THAT THE CAUSE BE HEARD BY THE ASSEMBLY.

UPON READING the petition of Samuel Gibson of Cambridge, complaining of erroneous proceedings in the inferiour court of common pleas, holden at Cambridge, in the county of Midd^x, in September, 1695, in an action of appeal there brought by the complainant from the judgement of M^r Justice Lynde (before whom he was sued in an action of trespass by John Gove), with the vote of the house of representatives thereon, that the petitioner be relieved and have a hearing before this court, and that the justices of said inferiour court be commanded to give their attendance, —

A vote past in concurrence with the representatives, and his honour the lieut.-governour directed that the cause be sent for up. [*Approved June 9.*]

CHAPTER 11.

VOTE DECLARING THAT JOSEPH RICHARDSON, SENIOR, OUGHT TO BE RELIEVED IN THE MATTER OF THE JUDGMENT ENTERED AGAINST HIM ON APPEAL, IN THE COUNTY OF MIDDLESEX, IN HIS ACTION AGAINST ISAAC FOWLE.

JOSEPH RICHARDSON, SEN^r, of Wooburne, also complaining of error in the proceedings of the inferiour court of common pleas, holden at Concord, in the county of Midd^x, in June, 1695, in a cause there entred against the complainant by Isaac Fowle of Charlestown, on appeal from a judgement given for the said Richardson by M^r Justice Johnson, —

Voted, In concurrence with the representatives, that the petitioner ought to be releived, and his honour the lieut.-gov^r likewise directed that his said cause be sent for up. [*Approved June 9.*]

CHAPTER 12.

ORDER APPOINTING A COMMITTEE TO CONSIDER AND REPORT UPON THE PETITION OF THE INHABITANTS OF WEST SPRINGFIELD FOR THE SETTLEMENT OF THE MINISTRY AMONG THEM.

Ordered, That M^r Solomon Stoddard, M^r Edward Taylor, Capt. Samuel Partrigg, Capt. Aaron Cooke, M^r Medad Pomrey and Lieut. Samuel Root, be a committee to consider of the contents of a petition presented by the inhabitants of the west side of the river in Spring-

field, for the settlement of the ministry among them, — Mr. Stoddard to appoint time and place for meeting, — and to make their report thereon unto this court the next sitting. [*Approved June 10.*]

CHAPTER 13.

VOTE FOR ALLOWING AND PAYING TWENTY-FIVE POUNDS OUT OF THE PROVINCE TREASURY TO ANDREW HAMILTON FOR THE ENCOURAGEMENT OF THE POST-OFFICE.

Voted, In concurrence with the representatives, that for encouragement of the post-office there be allowed and paid out of the public treasury the sum of five and twenty pounds for the year ensuing. [*Approved June 11.*]

CHAPTER 14.

ORDER FOR ALLOWING AND PAYING OUT OF THE PROVINCE TREASURY SEVENTEEN SHILLINGS AND NINEPENCE, AS WAGES TO JOHN HALLETT, A SOLDIER, BEING THE AMOUNT OF AN UNPAID DEBENTURE RETURNED TO THE TREASURER, AND AN ORDER THEREON NOW LOST.

Ordered, That there be allowed and paid unto Thomas Sturgis of Yarmouth, out of the public treasury, seventeen shillings and ninepence, on behalf of John Hallett, for serving his majesty as a soldier, for which a debenture has been returned unto the treasurer, and his order drawn upon the constable of Yarmouth to pay the same, which orders are lost and the money not hitherto paid. [*Approved June 11.*]

CHAPTER 15.

VOTE FOR ALLOWING THIRTY POUNDS OUT OF THE PROVINCE TREASURY, TO MAJOR CHARLES FROST FOR HIS PAST SERVICE AS COMMISSARY.

UPON READING the petition of Major Charles Frost, praying some meet satisfaction for his trouble and expence in the conduct and government of the officers and soldiers under his majty's pay in the county of York, ever since the month of January, 1694-5, also for his care of the public stores, —

Voted, And concurred with by the representatives, that the petitioner be allowed thirty pounds out of the public treasury, for his past service upon making up and issuing of his accompts of the provisions and cloathing for supply of the soldiery committed to his care as commissary, and that the same be accordingly ordered. [*Approved June 12.*]

CHAPTER 16.

VOTE FOR ALLOWING TEN POUNDS OUT OF THE PROVINCE TREASURY, TOWARDS THE MAINTENANCE OF THE MINISTRY AT THE GARRISON AND TOWN OF DEERFIELD FOR ONE YEAR FROM JUNE 12, 1696.

Voted. That the Sum of Tenn pounds be allowed & paid out of the publick Treasury of this province towards the Maintenance of the Ministry at the Garrisons & Towne of Deerfield for One Year next Ensuing. [*Approved June 12.*]

CHAPTER 17.

VOTE FOR ALLOWING THIRTY POUNDS OUT OF THE PROVINCE TREASURY, TOWARDS THE MAINTENANCE OF A MINISTER AT THE GARRISON AT DUNSTABLE FOR ONE YEAR FROM JUNE 12, 1696.

Voted. That the Sum of Thirty pounds be allowed and paid out of the publick Treasury of this Province, towards the Maintenance of a Minister at the Garrisons in Dunstable for One Year next ensuing. [*Approved June 12.*]

CHAPTER 18.

VOTE DIRECTING THAT A DUPLICATE OF THE LETTER OF DECEMBER 12, 1695, TO THE GOVERNMENT OF THE COLONY OF CONNECTICUT, BE DRAWN UP.

THE COMMITTEE appointed to consider of the molestations and claims made by the government of Connecticut, for jurisdiction in the towns of Enfield and Suffield, and for redressing the grievance of masters of families being impressed to serve on board his maj^{ty's} ships of warr, reported their opinion; viz^t, that a duplicate of the letter sent from the general assembly, bearing date the 12th of December last, directed unto that government, asserting our right to all within the line anciently run betwixt the two governments, be again sent unto them with further intimations of our adherence thereto, and that it be signified unto the towns of Enfield and Suffield that they shall be maintained and defended in their just rights according to their ancient settlements, and that the hon^{ble} the l^t-governour be intreated to ease the matter relating to impresses, what lies in his power, by regulating the same, and to interpose his authority as need shall be; which was read and, —

Voted, And that a letter to the government of Connecticott be accordingly drawn up. [*Approved June 13.*]

CHAPTER 19.

VOTE FOR ABATING TWENTY POUNDS OF A TAX FORMERLY ASSESSED ON THE TOWN OF MENDON.

Voted. . That the Sum of Twenty pounds be abated to the s^d Towne out of the Tax of Sixty five pounds Assessed upon s^d Towne as their two last parts of the Tax of 30000 £; [*Passed June 16.*]

CHAPTER 20.

VOTE FOR ACCEPTING AND APPROVING THE REPORT OF JAMES TAYLOR, PROVINCE TREASURER, THAT JOHN WALLEY, COMMISSIONER FOR THE IMPOST, ETC., HAS OVERCHARGED HIMSELF THE SUM OF TWO HUNDRED AND FOUR POUNDS AND SIXPENCE; AND FOR ALLOWING THAT AMOUNT TO SAID COMMISSIONER, FROM THE PROVINCE TREASURY.

UPON READING M^r Treasurer's report upon the accompts of John Walley, Esq^r, co^mmissioner for the duties of impost, etc., in the words following; viz^t, —

Having perused and examined the acc^{ts}. of John Walley, Esq^r, co^mmissioner for the impost, excise and tunage of shipping, from the 29th day of May, 1694, to the 28th of May, 1696, and cast up the same, both of his receipts and payments, find that he hath overcharged himselfe, by miscast, of two hundred and four pounds and sixpence in his own wrong, which he ought to have an order on the treasurer for payment.

JAMES TAYLOR, *Treas^r.*

Voted, In concurrence with the representatives, that M^r Treasurer's return, above written, be accepted and approved of, and that John Walley, Esq^r, co^mmissioner for the impost and excise and tunage of shipping, be paid out of the province treasury the aforesaid sum of two hundred and four pounds and sixpence, and that the same be accordingly ordered. [*Approved June 16.*]

CHAPTER 21.

VOTE FOR ALLOWING TWO HUNDRED AND FIFTY POUNDS TO JAMES TAYLOR, TREASURER OF THE PROVINCE, FOR HIS SERVICES IN THE YEAR 1695-6.

Voted, In concurrence with the representatives, that M^r James Taylor, treasurer, be allowed out of the public treasury of this province, the sum of two hundred and fifty pounds, as a salary for his last year's service as treasurer of said province, and that the same be accordingly ordered. [*Approved June 16.*]

CHAPTER 22.

DRAUGHT OF A LETTER TO ACCOMPANY THE DUPLICATE OF A FORMER LETTER* TO THE GOVERNMENT OF THE COLONY OF CONNECTICUT, RESPECTING THE BOUNDARY LINE BETWEEN THAT COLONY AND MASSACHUSETTS; AND THE VOTE APPROVING OF SAID DRAUGHT.

A DRAUGHT of a letter to the governm^t of Connecticut, accompanying a duplicate of this court's former letter, and to declare an adherence to their resolution therein to assert their bounds according to their line anciently run and stated, past by the representatives, was, —

Voted a concurrence, and consented to. [*Approved June 16.*]

Hon^{ble} S^{rs}

The foregoing is Copy of ours forwarded unto you within few days after the date thereof, by the hand of m^r Matthew Allen of Winsor; which we have no doubt but was safely delivered; however. you have fail'd of that comon Respect due even to a private person, to vouchsafe an Answer, as you have to some former And being still followed with the reiterated Compl^{ts} of the Inhabitants of our two Towns of Suffield and Enfield of the disturbance and Vexatious Molestations given them by yo^r people of Winsor, ariseing to a very great heighth, and the insupportable disquiet and burthen of his Maj^{ty}'s good Subjects of those Town's; Wee have thought it necessary to refresh the Notices thereof unto you, and to let you understand that we do adhere to our Resolution mentioned in our former Letter, and to defend our right of Jurisdiction over the s^d Towns, and our people there in their lawful possessions against all such as shall attempt their disquiet or break the Kings Peace

CHAPTER 23.

VOTE FOR ALLOWING AND PAYING FROM THE PROVINCE TREASURY FIFTY POUNDS TO INCREASE MATHER, FOR HIS SERVICES AS PRESIDENT OF HARVARD COLLEGE IN THE YEAR 1695-6.

Voted, That there be allowed and paid out of the Publick Treasury unto m^r Increase Mather the Sum of Fifty pounds for his last year's Service as President of Harvard Colledge in Cambridge. [*Approved June 16.*]

* See this letter, *ante*, 1695-6, chapter 56.

CHAPTER 24.

ORDER FOR GRANTING TO VOLUNTEER OFFICERS, DULY COMMISSIONED, AND THEIR COMPANIES, IN ADDITION TO THE PLUNDER AND THE BOUNTIES FOR INDIANS' SCALPS AND PRISONERS, ALLOWED BY LAW, THEIR PAY, SUBSISTENCE, TRANSPORTATION, ETC., WHILE IN SERVICE, ETC.

FOR BETTER ENCOURAGEMENT to prosecute the French and Indian Enemy &c.

Ordered That if any suitable person or persons shall offer themselves to take the Command of a Company against his Ma^{ty's} Enemies and obtain a Commission from the Hon^{ble} the Lieu^t Governour or Co^mander in chief with orders to rayse a Company or Companys for his Ma^{ty's} service, such officers & Companys (over & above the Encouragem^t given by an Act of this Court of Fifty pounds ~~p~~ head for every Indian man, and twenty five pound* ~~p~~ head for any Indian woman or Child Male or Female under the age of fourteen yeares taken or brought in Prisoner, the Scalps of all Indians slain to be produced and delivered to the Comissioner or Co^mmissioners for War as the Law in that case provides, and the benefit of plunder) shall be allowed and paid out of the publick Tre^ary their necessary provision, amunition & accustomed Wages for so long time as they are seeking or pursuing said Enemy. But when they shall return to any Town Fort Garrison or Vessells for so long time as they stay in any such place they shall be out of pay. And the chief Officer and Clerk of every such Company shall each of them keep a Journall of all their proceedings from time to time and return the same unto the Co^mmissioner for War — And that they be further supplied with Vessells for transportation & Boates as needed, And in case of receiving any Wounds or maims in the s^d service shall be encouraged as to cure and pensions as is by Law provided for souldiers that are impressed, & likewise to be allowed a Chirurgeon with them if to be procured under publick pay.

And for Encouragement of speedy Succours & relief to be yeilded unto the Frontiers upon an Alarm or attack made upon them by the Enemy such of the Neighbouring Towns as move to their reliefe & towards the surprizal or pursuit of the Enemy by virtue of the Law of the Province or by virtue of any order of the Lieu^t Governo^r or Co^mander in chief, or Co^mander of the Regiment shall have the like Encouragement as afores^d if such persons shall have pursued the Enemy farther than they may reasonably return in twenty four houres otherwise to be allowed no wages —

Provided That this order shall continue in force for the space of six months next comeing & for no longer. [*Approved June 16.*]

* In this order as recorded in the Council Records there is no mention of the twenty-five pounds bounty. Fifty pounds is there given as the bounty for all female prisoners, and for all male prisoners under fourteen years of age.

CHAPTER 25.

VOTE ON THE PETITION OF MATTHEW MAYHEW, REPRESENTING THE TOWNS OF EDGARTOWN AND CHILMARK, FOR ABATING TWO HUNDRED POUNDS OF A TAX FORMERLY ASSESSED ON MARTHA'S VINEYARD.

Voted in Answer to above s^d petition; That Marthas Vineyard be abated out of their proportion of the 30000 £ Tax; all their former part of s^d Tax; with as much of the last parts as will amount to Two hundred pounds, (their whole proportion being three hundred and fifty pounds. [*Passed June 17.*]

CHAPTER 26.

VOTE FOR GRANTING A REVIEW, TO ELISHA COOKE AND OTHERS, OF CERTAIN ACTIONS BROUGHT IN THE TIME OF PRESIDENT DUDLEY, BY COLONEL NICHOLAS PAIGE AND ANN, HIS WIFE, CONCERNING LANDS IN RUMNEY MARSH AND BOSTON, WHEREIN JUDGMENT WAS ENTERED AGAINST THE DEFENDANTS.

UPON READING the petition of Elisha Cooke, Esq^r, John Wiswall and John Fleyd, praying to be releived by the authority and justice of this hon^{ble} court, and enabled to review certain judgem^{ts} obtained against them at the suits of Coll^o Nicholas Page and Anna, his wife, in the time of the late government, managed by the president and council, whereby the petitioners, with other their tennants, were turned out of possession of several messuages and teñements at Rumny Marsh, which were the late Captain Keyn's farme, and a pasture in Boston; conceiving the said judgement to be erroneous and unjust, —

Voted, That the said petitioners be relieved in the premises and be enabled to review the said judgements. [*Passed June 17.*]

CHAPTER 27.

VOTE FOR ALLOWING AND PAYING THREE HUNDRED POUNDS TO WILLIAM STOUGHTON, FOR HIS SERVICES AS LIEUTENANT-GOVERNOR AND CHIEF JUSTICE OF THE SUPERIOR COURT DURING THE YEAR 1695-6.

Voted: That the Hono^{ble} William Stoughton Esq^r be allowed and paid out of the publick Treasury of this province the Sum of three hundred pounds for his Service the Year last past as L^t Governo^r of and Chiefe Justice in s^d Province. [*Approved June 17.*]

CHAPTER 28.

ORDER FOR EMPOWERING THE CONSTABLE OF THE TOWN OF CHILMARK TO COLLECT FIVE POUNDS REMAINING UNCOLLECTED IN SAID TOWN, OF THE PROVINCE TAX GRANTED JUNE 18, 1694, AND DIRECTING THE FORMER CONSTABLE TO DELIVER TO HIM A LIST OF THE PERSONS OWING SAID TAX.

Ordered, That the present constable of the town of Chilmark be empowered, by warrant from the treasurer, to collect the sum of five pounds remaining yet uncollected, of their part of the additional tax of twelvepence per poll, and one penny on the pound for estates, made in the year 1694, and that the then constable deliver him a list of the names of the persons on whom said sum is to be collected. [*Approved June 17.*]

CHAPTER 29.

ORDER FOR ABATING TO DAVID MORGAN, FORMERLY CONSTABLE OF SPRINGFIELD, TWENTY-TWO POUNDS OF THE TAXES COMMITTED TO HIM TO COLLECT IN THE YEAR 1691, WHICH WERE PAID IN GRAIN THAT SPOILED IN HIS KEEPING.

UPON READING the petition of David Morgan, late constable of Springfield, *anno* 1691, therein setting forth the great loss he sustained in corn received in the public assessments, praying to be abated twenty-two pounds of the sum in arrears and unpaid by him into the treasury, —

Ordered, That the petitioner be abated the sum of twenty-two pounds accordingly. [*Approved June 17.*]

CHAPTER 30.

VOTE FOR GRANTING ONE POUND TEN SHILLINGS TO HENRY DERING FOR HIS SERVICES WHILE CLERK OF THE HOUSE OF REPRESENTATIVES.

Voted In the house of Representatives That Henry Dering be paid one pound Tenn shillings out of the Publick Treasury, being for so much due to him — as Clerk formerly to this house, — [*Concurred in by the Council, and approved June 17.*]

CHAPTER 31.

VOTE FOR GRANTING THE SUM OF TWELVE SHILLINGS TO THOMAS NEWTON, FOR DRAWING AND WRITING THE ACT AGAINST PIRACY AND ROBBING UPON THE SEA, PASSED JUNE 17, 1696.

Voted That M^r Thomas Newton be paid out of the publick Treasury the Sum of Twelve shillings for drawing and writing an Act ag^t Piracy.
[*Approved June 17.*]

VOTES, ADDRESSES, ORDER, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE SIXTEENTH DAY OF SEPTEMBER, A. D. 1696.

CHAPTER 32.

VOTE FOR A CONGRATULATORY ADDRESS TO KING WILLIAM.

ADVISED AND AGREED, That an address be drawn up by the secretary, of congratulation for the gracious preservation and deliverance of his maj^{ty} from the late horrid and detestable conspiracy for assassinating his royal person and invading his kingdom from France. [*Passed September 17.*]

CHAPTER 33.

DRAUGHT OF THE CONGRATULATORY ADDRESS TO KING WILLIAM,
AND THE VOTE APPROVING OF SAID DRAUGHT.

THE CONGRATULATORY ADDRESS for the preservation of his maj^{ty} and government from the late wicked and traiterous conspiracy being drawn up and read, was agreed to, and, —

Directed that the same be fairly transcribed and sent forward. [*Approved September 18.*]

To the Kings most Excell^t Ma^{ty}.

THE CONGRATULATORY ADDRESS of the L^d Governo^r Council & Representatives of yo^r Ma^{ty}s Province of the Massachusetts Bay in New-England in America

May it please yo^r Ma^{ty}.

Our astonishm^t at and abhorrence of the late horrid and detestable Conspiracy for assassinating yo^r Ma^{ty}s Royal person and Subversion of yo^r Governm^t was no less, than the Joy and Satisfaction wherewith we Entertained the Intelligence of the happy Prevention and effectual Suppressing of the same, both which arrived to us at one and y^e same time. We humbly Adore divine wisdom in the Early discovery and disappointm^t of that bloody barbarous & Trayterous designe being deeply sensible of the irreperable loss which all yo^r Ma^{ty}s Subjects would have suffered in being deprived of so good & Gracious a Sovereign, and the direful confusions mischiefs and Ruins in which all yo^r Ma^{ty}s Kingdoms and Dominions would inevitably have thereupon been involved And* solemnly offer up our hearty Prayses to Almighty God

* It is doubtful whether this word is "and" or "we."

for his merciful providence in so eminent and great Salvation and deliverance vouchsafed unto yo^r Sacred Ma^{ty}. and all yo^r Dominions and therewith our daily fervent Supplications That there may be a continual Succession of divine blessings for the Defence of yo^r Ma^{ty}. under God y^e Defender of our Religion and lives And shall upon all Occasions cheerfully Express our zeal and dutiful Affection unto yo^r Ma^{ty}^s Sacred person and Governm^t which God graciously Grant may be long continued unto. Royal. S^t

Yo^r Ma^{ty}^s most humble, Obedient and

Loyal Subjects

Signd,

W. STOUGHTON

Sep^r 18th 1696.

PENⁿ* TOWNSEND *Speaker*

CHAPTER 34.

RECORD OF THE SIGNING OF THE ASSOCIATION, BY THE LIEUTENANT-GOVERNOR AND COUNCIL, AND OF THE SENDING OF THE SAME TO THE REPRESENTATIVES FOR SIGNATURE.†

THE ASSOCIATION established by act of parliament made and passed in the seventh and eighth years of his present maj^{ties}. reign, entituled “An Act for the better security of his majestie’s royall person and government,” was subscribed by the Lt^{-gov^r} and members of the council, and sent down to the house of representatives to be subscribed by the members of that house; being in the words following; viz^t, —

Whereas there has been a horrid and detestable Conspiracy, formed and carried on by Papists and other wicked & traiterous persons for assassinating his Ma^{ty}^s Royal person, in order to encourage an Invasion from France, to subvert our Religion, Laws and Liberty, We whose names are hereunto Subscribed, do heartily, sincerely and solemnly profess testify and declare That his present Ma^{ty} King William is rightful and lawful King of the Realms of England, Scotland and Ireland. And We do mutually promise and engage to stand by and assist each other to the utmost of our power in the support and Defence of his Ma^{ty}^s most Sacred Person and Government, against the late King James and all his adherents And in case his Ma^{ty} come to any violent or untimely death (which God forbid) we do hereby further freely and unanimously oblige ourselves to unite, associate and stand by each other in revengeing the same upon his Enemies & their Adherents, and in Supporting and defending the Succession of the Crown according to an Act made in the first year of y^e Reign of King William & Queen Mary. Entituled An Act Declaring the Rights & Liberties of the Subject and settling the Succession of the Crown — [*September 18.*

* *Sic*: Penn.

† This is the first subscription, by the members of the Assembly, to the Association required to be subscribed by the act of parliament 7 & 8 Wm. III., ch. 27. The Council formally transmitted it to the representatives, — a legislative proceeding in the nature of a resolve proper to be included with other votes of the General Court. Subsequently and so long as the law requiring this subscription remained in force, it was usually signed on the first day of the session with no other formality than attended the taking of the oath or declaration of allegiance and supremacy, etc.

CHAPTER 35.

DRAUGHT OF AN HUMBLE REPRESENTATION AND ADDRESS TO THE KING UPON THE STATE OF THE PROVINCE, AND THE VOTE APPROVING SAID DRAUGHT AND DIRECTING THAT IT BE TRANSCRIBED AND FORWARDED.

The HUMBLE ADDRESS of this court, to be presented unto his maj^{ty}., representing the state of the province, having had some emendations, was read and agreed unto, and, —

Directed, That the same be fairly transcribed and sent forward.
[*Approved September 24.*

To the Kings most Excell^t Ma^{ty}.—.

The humble Representation and Address of the L^d Govern^r Council and Assembly of yo^r Ma^{ty}'s Province of the Massachusetts Bay in New-England in America

Most Gracious and Most Dread Sovereign/.

The Illustrious Rays and benigne Influence of yo^r Ma^{ty}'s Princely Care of yo^r Subjects so remote reflected by the R^l Hon^{ble} the Lords of yo^r Ma^{ty}'s most Hon^{ble} Privy Council in their late dispatch to this yo^r Ma^{ty}'s Governm^t have confirmed our hopes That yo^r Ma^{ty} will be pleased graciously to Entertain the humble Address of yo^r Loyal and dutiful Subjects, in most humble manner representing y^e distressed and (unless Almighty God shall incline yo^r Ma^{ty}, early to interpose) despairing condition of this yo^r Ma^{ty}'s Province.—

Whereupon We humbly crave leave to lay before yo^r most Excell^t Ma^{ty} That this yo^r Ma^{ty}'s Province as it hath been for a long time past, is still languishing under a wasting War with the French and Indians, by which the Estates of yo^r poor Subjects here are much Exhausted and very many of their persons Destroyed and Captivated.

That the s^d Enemy is reinforced by Indians drawn from the remoter parts of this Continent and Adjacent Islands, and by large Supplys of Armes, Ammunition, Clothing and other Stores and Ships of greater Force than formerly, by which they have been Enabled to make and they have made very deep Impressions upon yo^r Ma^{ty}'s Interests in these parts of America, this Sum^r, in the loss of yo^r Ma^{ty}'s Frigatt the Newport Galley, being on a cruise for yo^r Ma^{ty}'s Service in the Bay of Fundy, in Company of the Sorlings and there taken by two French Ships of War of considerable strength; which Ships of War together with the Newport and a Land Force of neer Four hundred French and Indians provided wth Canon & Bombs afterwards came against yo^r Ma^{ty}'s Fort at Pemaquid, and unhapily gained possession of and demolish't that Fort, althô, well Supplied and every way furnished for defence, and Seasonably Reinforc't with men.

That the French Interests in America is greatly advanced whilst yo^r Ma^{ty}'s Interests in these parts are in a very languishing State, the Places whence yo^r Ma^{ty} has been Supplied wth Masts & other Naval Stores in danger next to be Seized, and by reason of the growing power of our French Neighbours, both the Southern and Northern Trade and Fishery is much decayed.

That the charge of the War hath layen heavy upon this Province Connecticut haveing contributed little, Rhode Island and New Hampshire nothing at all towards the Support of Yo^r Maj^{ty}'s Interests; But have drawn a considerable charge on this Province for their defence.

Wherefore we yo^r Ma^{ty}s most humble & distressed Subjects Implore yo^r Royal Aid, humbly praying That yo^r Majesty would be graciously pleased to order that yo^r Ma^{ty}s several Governments within these Territories may be jointly concerned in the prosecution of the War, and Supporting the Charge thereof

That Port Royal and S^t Johns in Accadie or Nova Scotia may be Settled by Erecting of a regular Fortification furnished wth all necessary warlike Provisions and Stores and a Suitable number of Souldiers posted in Garrison at each of the said places at the charge of yo^r Ma^{ty}s Exchequer; which is apprehended will be a greater bridle upon the Enemy by reason of their Scituation, than Pemaquid could be.

That a Sutable Supply of Ammunition & other Warlike Stores may be Early and speedily dispatch't hither for the defence of yo^r Ma^{ty}s Forts & Garrisons within this Province.

That there may be an Addition of some further Naval Force to the two Frigatts now here, by one or more Ships of greater Strength for the Guarding and Defence of the Sea Coasts and Securing the Navigation, the French Ships of War that have visited these parts this year exceeding both in number of men and Guns what has formerly been; And that one of yo^r Maj^{ty}s s^d Frigatts may be permitted in the winter Season to convoy and attend our Vessells goeing to the West Indies to lade Salt for carrying on the Fishery, being the Chief Staple of this Country, the Seamen belonging to such Frigatt will thereby be the better Secured to yo^r Ma^{ty}s Service and the charge not augmented.

That yo^r Ma^{ty}, would graciously provide and Order the payment to such Seamen belonging to the Province, Impres't here for yo^r Maj^{ty}s service on board yo^r Ships of War, at such time as yo^r s^d Ships are laid up in the winter, many of them haveing wives and Familys that entirely depend upon the Profits of their labour for Subsistance; which would be a great Encouragem^t unto yo^r Ma^{ty}s Sea Service, and a reliefe unto yo^r poor Subjects; Also that a Clerk of the Cheque may be appointed to muster the Seamen from time to time belonging unto yo^r s^d Ships of War; whereby the great agrievance of yo^r Ma^{ty}s good Subjects by continued and needless impresses will be redressed.

Finally we humbly crave leave to pray, That yo^r Maj^{ty} would please to take under Yo^r Royal Consideration the reduceing of Canada, the Chief Seat of the French Interests in these parts, and the unhappy Fountain from whence issue all our Miserys. Hereby we humbly conceive the Honour and Revenue of the Crown will be greatly advanced, the Northern Indians will be entirely gained, And the Interests and Trade both of the Northern and Southern Plantations will be revived and Secured.

Thus in a humble dependance and Confidence of yo^r Ma^{ty}s most Gracious and Favourable Answer for the rescueing of a languishing Province, and preserving alive a People entirely devoted unto yo^r Ma^{ty}s Service. We Prostrate at yo^r Royal Feet, desiring to be numbred amongst.

Royal S^{ts}

Yo^r Ma^{ty}s Most humble, Obedient and
Dutiful Subjects.—

W. STOUGHTON

PENN TOWNSEND *Speaker*

Sep^r 24^o 1696.

CHAPTER 36.

ORDER DECLARING THE TOWN OF WOODSTOCK TO BE A FRONTIER TOWN WITHIN THE MEANING OF THE ACT OF MARCH 12, OF THE YEAR 1694-5, AND THAT THE INHABITANTS SHALL BE SUBJECT TO THE PROVISIONS OF SAID ACT.

UPON INFORMATION given That several of y^e Inhabitants of Woodstock have lately removed, and that others are about to remove from the said Town; whereby the duty of watching warding and Scouting will lye too heavy upon those that do remain and Endanger the place to be exposed, being an out Planta^{con}—

It's Ordered, That the said Town of Woodstock be accounted a Frontier and comprehended within the Act of the General Assembly Entituled an Act To prevent the deserting of the Frontiers and that the Inhabitants of s^d place shall be under the same Regulations and liable unto the like Pains and Forfeitures as in and by the said Act are set & provided. [*Approved October 2.*]

CHAPTER 37.

VOTE FOR REMITTING THE ARREARS OF TAXES LAID ON THE ISLANDS OF MARTHA'S VINEYARD AND NANTUCKET BY THE ACT OF DECEMBER, 15, 1692, UPON CONDITION THAT THE INHABITANTS OF THOSE ISLANDS, RESPECTIVELY, DISBURSE THE SUM OF FIFTY POUNDS TOWARDS FORTIFYING EACH OF SAID ISLANDS.

UPON READING the petition of M^r Matthew Māhew, representative of Martha's Vineyard, and M^r James Coffin, representative for the island of Nantucket, praying that the arrears of the said islands' proportion to the thirty thousand pounds tax, may be remitted, — each island disbursing the sum of fifty pounds towards fortifying the same, in providing armes and am̄unition, — his honour the lient-governour and comānder-in-chief declaring his intention to order fortifications to be erected in the said several islands, —

Voted, And concurred with by the representatives, that abatement be made unto the said islands, of the respective sūms from them owing in arrears to the thirty thousand pound tax, as is pray'd for, to be disbursed and laid out upon each of the said islands in fortifications, artillery, armes and ammunition, according as the commander-in-chief shall give directions; the accompts of the expence thereof to be laid before and examined by a committee to be appointed by the commander-in-chief for the time being, and to be laid before this court. The sūms hereby abated unto the said several islands, and to be laid out and expended as aforesaid, is one hundred and fifty pounds to Martha's Vineyard, and unto Nantucket one hundred and fifty pounds ten shillings and ninepence. [*Approved October 2.*]

VOTES, ORDERS, ADDRESS AND PROCLAMATIONS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE EIGHTEENTH DAY OF NOVEMBER, A.D. 1696.

CHAPTER 38.

VOTE FOR POSTPONING PAYMENT TO THE PROVINCE TREASURER OF
ARREARS OF TAXES COLLECTED BY SIMON WILLARD, A CONSTABLE
OF SALEM.

UPON READING the petition of Capt. Simon Willard of Salem, praying a respitt of the payment of thirty odd pounds due from him as an arrear of public rates committed unto him to collect, some years ago, being then one of the constables of Salem, setting forth that there is a like value due unto him for service in the time of S^r Edmond Andros's government, —

Ordered, That the petitioner be suspended his aboves^d debt of thirty odd pounds for the space of two years from the date hereof, unless in the mean time there be order for payment of what is challenged as due to him, and then discount thereof to be made. [*Passed November 21.*]

CHAPTER 39.

VOTE FOR ALLOWING FORTY POUNDS TO JONATHAN BALSTONE, SENIOR, OF BOSTON, FOR MATERIALS FURNISHED FOR THE PINK, MARY, BELONGING TO HIM, AND IMPRESSED INTO HIS MAJESTY'S SERVICE IN THE EXPÉDITION AGAINST CANADA.

UPON READING the petition of Jonathan Balston, Sen^r, of Boston, therein setting forth that a pinck or ship belonging to the petitioner, called the Mary, being impressed for his majestie's service on the expedition to Canada, after apprizement made of her, was supplied by the petitioner with several materials to the value of forty pounds, for which he hath received no satisfaction, praying to be allowed for the same, the said ship being lost in the said service, —

Voted in Answer to this petition ; That the petitioner be allowed and paid out of the publick Treasury the Sum of fforty pounds. [*Approved November 26.*]

CHAPTER 40.

VOTE FOR DESPATCHING A PACKET TO ENGLAND, FOR MUNITIONS OF WAR, ETC.*

Voted, That a packet Boat be forthwith dispatched for England to acquaint His Majesty of the Circumstances of the Country, And to pray a Speedy Supply of Warlike Stores. — [*Passed November 28.*]

CHAPTER 41.

VOTE FOR ABATING THE ARREARS OF TAXES DUE BY THE TOWN OF DUNSTABLE.

UPON READING the petition of the selectmen of the town of Dunstable, a frontier, therein setting forth that, since the proportioning of former assessments by a list of the persons and ratable estate within said town, near two third parts of their inhabitants have removed themselves, together with their rateable estates, out of the same before the committing of the said taxes or assessments, whereby the said town falls in debt to the treasury about the sum of fifty pounds, and that the inhabitants upon the place have paid their proportionable parts to the said taxes, praying that the said town may be be†abated and remitted the said sum in arrear,—

Voted, In concurrence with the representatives, that the said town of Dunstable be abated their arrears yet standing out, amounting to the sum of fifty pounds five shillings and fourpence. [*Approved December 2.*]

CHAPTER 42.

VOTE FOR GRANTING A PENSION OF FIVE POUNDS, ANNUALLY, TO ABRAHAM COCK, A WOUNDED SOLDIER.

UPON READING the petition of Abraham Cock, a maimed soldier that lost his arm in his maj^{tie's} service, praying that some meet recompence for the same may be allowed unto him,—

Voted, In concurrence with the representatives, that the s^d Abraham Cock be allowed and paid out of the public treasury the sum of five pounds per annum as a pension during his continuance in this province. [*Approved December 2.*]

* See chapter 46, *post*.

† *Sic.*

CHAPTER 43.

VOTE FOR ALLOWING A DISCOUNT OF FOUR POUNDS FIFTEEN SHILLINGS FROM THE TAXES CHARGED TO EDWARD BOSWORTH, CONSTABLE OF THE TOWN OF BRISTOL IN THE YEAR 1691; BEING THE AMOUNT OF BOUNTY FOR WOLVES KILLED PAID BY HIM ON A LOST ORDER.

UPON READING the petition of Edward Bosworth, constable of the town of Bristol, *Anno* 1694, praying that discount may be made in the treasury for the sum of four pounds fifteen shillings, being so much he paid by order from the treasurer for three wolves and seven whelps, which order was accidentally lost, —

Voted, in answer to the aboves^d petition That s^d petition^r have discount made unto him of four pounds fifteen shillings out of y^e publick Treasury of this province [*Approved December 2.*]

CHAPTER 44.

VOTE FOR ALLOWING FIFTY POUNDS TO ANTHONY CHECKLEY, FOR HIS SERVICES AS ATTORNEY-GENERAL.

UPON READING the petition of Captⁿ Anthony Checkly, attorney-general of this province, praying some allowance for his service in that respect, —

Voted, In concurrence with the representatives, that the said Anthony Checkley be allowed and paid out of the public treasury the sum of fifty pounds for his past service in said office, and for what he may further do therein until May next. [*Approved December 2.*]

CHAPTER 45.

ORDER FOR ERECTING A PRECINCT AT WEST SPRINGFIELD FOR THE SETTLEMENT AND SUPPORT OF A MINISTER. [*Approved December 4.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 46.

DRAUGHT OF AN ADDRESS TO THE KING, REPRESENTING THE NEED OF WARLIKE STORES, AND PRAYING FOR A SUPPLY THEREOF; AND THE VOTE APPROVING OF SAID DRAUGHT.

AN ADDRESS unto his maj^{ty} was drawn up and, —

Voted, To be fairly transcribed and forwarded by the next opportunities, humbly representing the distressed state of the province and to supplicate a speedy supply of ammunition and other warlike stores. [*Approved December 5.*]

To the most Illustrious and Mighty Prince William the third, of England Scotland, France & Ireland King

THE HUMBLE ADDRESS of the L^d Govern^r Council & Assembly of yo^r Ma^{ty}s Province of the Massachusetts Bay in New-England in America.

Renowned Sovereign.

Upon a Review of our warlike Stores; which are exceeding low; and the very Sensible apprehensions entertained by us, how much yo^r Maj^{ty}s Interests within these yo^r Territorys are in danger of being exposed unto the Insults of a powerful Enemy flush't with late Successes in the parts of America and thereby Animat^d to make further Attempts; wherewith we are particularly threatned at the return of the year, has moved us in sense of duty, esteeming it highly necessary for yo^r Maj^{ty}s Service in all humility to lay before yo^r Princeely and Compassionate Consideration the greatly distressed and very hazardous State & Condition of yo^r Ma^{ty}s Interests and Subjects within this yo^r Province, almost quite exhausted and ready to sinke under the Calamitys and fatigue of a tedious consuming War, the direful Effects as well as charge for the prosecution whereof has principally fal'n upon the Estates and persons of yo^r Maj^{ty}s good Subjects within y^e same, divers very costly and well formed Expeditions have been made and cheerfully Supported by them in their own & Neighbo^{rs} defence and for the diu-esting and Subducing of yo^r Ma^{ty}s Enemies, thô unhapily failing of the desired & Expected Success.

The circumstances of this yo^r Ma^{ty}s Province we conceive with humble Submission to be very different from most of yo^r Ma^{ty}s other Planta^{cons} we haveing not onely the same warlike & Politick Enemy with them to guard against and oppose; whose appearances near to us of late have been more formidable, But are very grievously oppressed also with the bloody Salvage perfidious Indian Rebels/ who are borderers on all o^r Frontiers, and can at their pleasure make inroads into y^e bowells of y^e Province (such is y^e Scituation of our Towns and all y^e by passages leading thereto so well known & traversed by them,) So that we are obliged to maintain constant Guards to secure us from their Incursions as well as upon the Sea Coast, the benefit whereof extends unto yo^r Maj^{ty}s Subjects of the Neighbouring Governments; who notwithstanding declined to afford either a Quota of men or money thereto; which is humbly Represented in our late Address transmitted by yo^r Maj^{ty}s Ship the Sorlings Convoy to the Mast Ships.

We probably hope, That the Severity^s of the winter and difficultys of the Coast at that Season will give us a present Respit from Forreign Invasion; Yet have reasonable grounds to expect That so soon as the Spring advances, we shall be attacked by a considerable Naval Force; besides what Force of the French & Indians may be drawn together, at the same time to fall upon our Frontiers. the preapprehensions of our danger puts us upon makeing all the preperations we are capable of to Repel the Enemy, but all that we can do therein is likely to be ineffectual; unless yo^r Maj^{ty} be graciously pleased of yo^r Royal bounty to afford us early Supplys of a^munition and other warlike Stores necessary for our defence.

We therefore most humbly Supplicate yo^r Ma^{ty}s favourable acceptance, and Graacions Consideration of what we have herein very truely Represent^d of the distresses and dangerous Circumstances attending yo^r good Subjects within this yo^r Province; who have none under God but their Lord the King to cry unto for help and Succours haveing formerly rec^d very sensible marks and expressions of yo^r Ma^{ty}s Royal Favours, care of and Regard unto them and have been particularly encouraged by an express dispatcht from the R^t Hon^{ble} the Lords of yo^r Ma^{ty}s most Hon^{ble} Privy Council; with Notification of the French Preparations for an attack upon some parts of America in y^e Sumier past. and assurance of such Speedy assistance to be sent as the State of Affayres at home should permit wth particular regard to y^e Exigencies they should lye under

We are humbly emboldned to hope and pray, That yo^r Maj^{ty} of yo^r wonted Grace and innate Goodness will be pleased to Order a sutable Supply of Gunpowder and other warlike Stores to be forthwth dispatcht unto this yo^r Maj^{ty}s Province ; And that we may be further Strengthened by some of yo^r Maj^{ty}s Frigatts of greater Force than those at present in this Station for guarding of the Coast during the Summer Season ; The hearts of yo^r Ma^{ty}s good Subjects will be hereby revived and Encouraged to expose themselves with utmost hazards in the defence of yo^r Maj^{ty}s Interests and the opposing of all yo^r Enemys and a considerable Branch of yo^r Maj^{ty}s Dominions by the blessing of Almighty God will be preserved ; otherwise in no small danger to be Swallowed up and made a triumph to the Enemy —

Boston December 5th 1696

Royal S^r

Yo^r Ma^{ty}s

Loyal & dutiful Subjects & humble Supplicants

Signed

W^m STOUGHTON.

PENN TOWNSEND *Speaker*

CHAPTER 47.

VOTE FOR REMITTING THE TAXES DUE TO THE PROVINCE BY THE TOWN OF WELLS AND EXEMPTING THE INHABITANTS FROM THE NEXT TAX, AND ALSO FOR ALLOWING THE CAPTAIN AND SOLDIERS OF THE GARRISON THERE TO AID THE INHABITANTS IN REBUILDING THEIR FORTIFICATIONS, UPON CONDITION, ETC.

UPON READING the petition of Samuel Wheelwright, Esq^r, on behalf of the inhabitants of Wells, therein setting forth the destresses they are put unto, lying frontier to the enemy and often prest by their attacks, and their fortifications much decayed and out of repair, praying to be remitted what rates are already due from said town and not to be rated in the next assessmentt, and that the captain and souldiers posted there in his maj^{ties} service may be assistant unto them in rebuilding and repairing their garrisons as the hon^{ble} the comānder-in-chief shall think fitt, so will they rebuild, and further adventure their lives and estates in standing their ground and defending their majesties' interests in those eastern parts, —

Voted, In concurrence with the representatives, that the matters and things prayed for in the said petition be granted, on condition that the inhabitants perform what is promised and engaged for on their part in the said petition. [*Approved December 5.*]

CHAPTER 48.

VOTE APPOINTING A COMMITTEE TO CONSIDER AND REPORT UPON THE PETITION OF PETER AYER IN BEHALF OF HIMSELF AND BENJAMIN ALLEN, LATE CONSTABLE OF SALISBURY.

Voted, In concurrence with the representatives, that Daniel Peirce, Esq^r, Capt. Thomas Noyes and Capt. Stephen Greenleafe be and hereby are nominated and appointed a committee to consider of the petition of Peter Ayer in behalf of Benjamin Allin, late constable of Salisbury, and himself, and to make report thereof unto this court at their next sessions. [*Approved December 9.*]

CHAPTER 49.

VOTE FOR ALLOWING TEN POUNDS TEN SHILLINGS TO MAJOR JAMES CONVERSE, FOR HIS SERVICES AND EXPENSES ON JOURNEYS TO PEMAQUID AND GROTON.

UPON READING the petition of Major James Convers, praying for some allowance for his service in two voyages unto Pemaquid on a negotiation with the Indians, as also on a journey to Groton, by order of the commander-in-chief, for the fitting out of some souldiers then designed to be sent forth, —

Voted, In concurrence with the representatives, that the petitioner be allowed and paid out of the public treasury, besides what he hath already received, the sum of tenn pounds ten shillings, he paying Captⁿ Bancroft and the soldiers that went with him to Groton. [*Approved December 9.*]

CHAPTER 50.

VOTE FOR CONFIRMING TO SAMUEL GOOKIN AND SAMUEL HOW, AND PERSONS HOLDING UNDER THEM, SEVENTEEN HUNDRED ACRES OF LAND AT NATICK; AND FOR RESERVING TO THE INDIANS THERE ONE THOUSAND ACRES OF LAND ADJOINING THE TOWN OF SHERBURN.* [*Approved December 9.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 51.

VOTE FOR ABATING SIXTEEN POUNDS OF THE TAX COMMITTED FOR COLLECTION TO JOHN HOYT, FORMERLY CONSTABLE OF AMESBURY, AND FOR CANCELLING HIS BOND.

UPON READING the petition of Nathaniel Lovejoy and Joseph Hoit, sureties of John Hoyt, some time constable of Aimsbury, for payment of twenty pounds to the treasury, in discharge of the arrears of public assessments committed to him to collect, setting forth that the said John Hoyt was lately murdered by the Indians, and has not left estate to the value of five pounds, praying that their bond in the treasurer's hand may be cancelled, —

Voted, In concurrence with the representatives, that the petitioners be abated the sum of sixteen pounds, being what remains of said sum of twenty pounds unpaid into the treasury, and that said obligation be cancelled. [*Approved December 9.*]

* Now Sherborn. See act of May 3, 1852.

CHAPTER 52.

VOTE FOR APPROVING AND ALLOWING THE PROVINCE TREASURER'S
ACCOUNTS FROM MAY 27, TO NOVEMBER 11, 1696.

THE ACCOMPTS of Mr James Taylor, treasurer and receiver-general of this province, beginning the twenty-seventh day of May, 1696, and continued unto the eleventh day of November following, amounting unto the sum of twenty-six thousand four hundred forty-five pounds nineteen shillings and one penny, having been presented and laid before the house of representatives, and inspected by s^d. house, by which it appears there was standing out, on the said eleventh day of November, the sum of seven thousand one hundred twenty-three pounds nine shillings and sevenpence, to be drawn into the treasury, and further to be accompted for, —

Voted, That the said accompts, in the several articles of receipts and payments therein mentioned, amounting unto the sum of nineteen thousand three hundred twenty-two pounds nine shillings and sixpence, be and hereby are approved and allowd of, and the said treasurer is hereby discharged of the said sum of nineteen thousand three hundred and twenty-two pounds nine shillings and sixpence. [*Approved December 10.*]

CHAPTER 53.

VOTE FOR ALLOWING SEVEN POUNDS ELEVEN SHILLINGS TO SAMUEL PARTRIDGE TOWARDS THE EXPENSE OF A SPECIAL COURT OF OYER AND TERMINER, HELD AT NORTHAMPTON, FOR THE TRIAL OF FOUR INDIANS.

UPON READING of an accompt presented of the charge arising for a special court of oyer and terminer, lately holden at Northampton in the county of Hampshire, amounting to the sum of thirty-one pounds sixteen shillings, —

Voted. That the Sum of Seven pounds eleven shillings be allowed and paid to Capt. Patrigg on behalfe of y^e persons concern'd out of the publick Treasury of the province towards the charge of s^d. Court, and that the Remainder of s^d. Account be allowed and paid out of the Treasury of s^d. County of Hampshire. [*Approved December 12.*]

CHAPTER 54.

DRAUGHT OF A PROCLAMATION FOR APPOINTING THURSDAY, JANUARY 14, 1696-7, AS A DAY OF GENERAL FASTING AND PRAYER, AND THE VOTE APPROVING OF SAID DRAUGHT.

THE BILL for appointing a publick fast upon Thursday, the 14th of January next, was sent up from the representatives with their concurrence thereon, and consented unto. [*December 17.*]

By the Hon^{ble} the L^t Gov^r Council & assembly of his Maj^{ty}s Province of y^e Massachusetts Bay; in General Court assembled ✓

WHEREAS the Anger of God is not yet turned away; but his Hand is still stretched out against his people, in manifold judgments; particularly, in drawing out to such a Length, the Troubles of Europe, by a perplexing War. And more Especially, respecting our selves in this Province, in that God is pleased still to go on in diminishing our substance cutting short our Harvest; blasting our most promising Undertakings; more ways than one, Unsettling of us; and by his more immediat Hand, snatching away many out of our Embraces by suddain & violent deaths; even at this time when the Sword is devouring so many; both at home and abroad; and that after many Days of publick and Solemn addressing of Him. And althô, considering the many Sins prevailing in the midst of us, We cannot but wonder at the Patience and Mercy moderating these Rebukes; yet we cañot but also Fear, that there is something still wanting to accompany our Supplications. And doubtless there are some particular Sins, which God is angry with our Israel for, that have not been duely seen and resented by us, about which God expects to be sought, if ever He turn again our Captivity.

Wherefore its Coñmand^d & Añoit^d that Thursday the Fourteenth of January next be observed as a Day of Prayer with Fasting throughout this Province; strictly forbidding all Servile Labour thereon. That so all God's people may offer up fervent Supplications unto him for y^e preservation & prosperity of his Maj^{ty}s. Royal person & Govern^{mt} and Success to attend his Affaires both at home & abroad That all Iniquity may be put away, which hath stirred Gods holy Jealousie against this Land; that He would shew us what we know not, and help us, wherein we have done amiss, to doe so no more: And Especially, that whatever Mistakes, on either hand, have been fallen into; either by the body of this People, or any Orders of Men, referring to the late Tragedie raised amongst us by Satan and his Instruments, through the awfull Judgment of God; He would humble us therefore, and pardon all the Errors of his Servants and People that desire to Love his Name, And be attoned to His Land. That He would remove the Rod of the Wicked from off the Lot of the Righteous; That He would bring the American Heathen, and cause them to hear and obey his voice;

CHAPTER 55.

VOTE AND ORDER FOR SUSPENDING THE CLAUSE IN THE ACT OF AUGUST 17, 1695, PERMITTING THE GRANTING OF LICENSES FOR TRADE TO NOVA SCOTIA.

In the House of Representatives.

FORASMUCH as it is very Evident, That both the French and Indian Enemy are reliev'd and Succoured by the Supplys transmitted, from hence unto Port Royal and other places in Nova Scotia, on pretence of relieving and Supporting of the Inhabitants of those parts that have Subject^d unto the Obedience of the Crown of England; who notwithstanding do carry on a Trade with the Indians; and hold correspondence with the French Seated on the River of S^t Johns being open and declared Enemy. And Whereas by an act of the General Assembly Entituled An Act to prevent the Supplying of his Maj^{ty}s

Enemys all Persons are prohibited to have any comēerce or dealings with the French of Port Royal or parts adjacent in Accadie or Nova Scotia or to convey any Goods or Merchandizes unto y^m by Land or water without licence first had and obtained from the Gov^r and Council, under the pains and penaltys in the said Act mentioned. For the better Satisfaction of his Maj^{ty}'s good Subjects, and the preventing of any Supplys being conveyed unto his Enemys and the ill consequences thereof.

Vot^d That no person or persons whomsoever be permitted or Licensed to have any intercourse of Trade to accadie or Nova Scotia or to any part or parts thereof or places adjacent any thing in y^e aforsaid Act notwithstanding. And that it be Entred as an *Order of this Court* that the Clause in the s^d Act for granting of Licences for comēerce or dealings to the s^d parts or places be Suspended during the pleasure of this Court, to ease the Gov^r & Council of the trouble of the importunate Sollicitations of any persons for such Licence. [*Concurred in by the Council, and approved December 18.*]

CHAPTER 56.

ORDER FOR THE REGULATION AND RATING OF SOLDIERS' AND SEAMEN'S WAGES, ETC.

Ordered That The wages or pay to be allowed to Officers and souldiers That are or shall be Comissioned or detatched and imployed in his Ma^{ty}'s service shall be according to the respective Rates *ƒ* week herein after mentioned & set down and no other. That is to say.

| | |
|----------------------------------|------------------------------------|
| For a Major. Fifty shillings, | Captain of Foot Thirty shillings |
| Lieutenant, Fifteen shillings. | Ensigne Twelve shillings. |
| Sergeant. nine shillings, | Clerke nine shillings. |
| Corporal, seven shillings, | Drum ^r seven shillings. |
| Private Sentinel six shillings — | |

| | |
|---|-----------------------------------|
| For a Captain of a Troop Forty shillings, | Of Dragoons Thirty five shillings |
|---|-----------------------------------|

| | |
|-----------------------------------|--------------------------|
| Lieutenant Twenty five shillings. | Cornet Twenty shillings. |
|-----------------------------------|--------------------------|

| | |
|--|----------------------------|
| Quar ^r Master, Fifteen shillings. | Corporal Twelve shillings. |
|--|----------------------------|

| | |
|----------------------------|----------------------------|
| Clerke — Twelve shillings. | Trumpeter twelve shillings |
|----------------------------|----------------------------|

| | |
|--------------------------|-------------------------|
| Trooper — Ten shillings. | Dragoon Eight shillings |
|--------------------------|-------------------------|

| | |
|----------------------------------|-----------------------------|
| For a Chaplain Twenty shillings. | Chirurgeon Twenty shillings |
|----------------------------------|-----------------------------|

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|---|--|
| Chirurgeons Mate or Assistant Twelve shillings sixpence | |
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| | |
|--|--|
| Commissary being Comissioned fifteen shillings — | |
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| | |
|---|--|
| Armourer finding his own Tools ten shillings. | |
|---|--|

| | |
|--------------------------------|--|
| Land pilot Fifteen shillings — | |
|--------------------------------|--|

If any Officer above the Degree of a Major be at any time imployed, his pay to be allowed by this Court.

That the pay to be allowed for the several Charges & Services hereafter expressed be as followeth. That is to say. For billeting of souldiers in Towns whilst randevouzing or on a March Eight pence *ƒ* day & no more unless the Gov^r & Council upon Consideration of the dearness of provisions shall order some further Allowance not exceeding twelve pence *ƒ* day in the whole for each souldier Billeting by the weeke not exceeding three Shillings and Six pence *ƒ* man.

For a post four pence *ƒ* mile from the place whence he comes unto the place sent to, he bearing his own Charges for himselfe & horse,

For Ferrage of men or horses imployed in his Ma^{ty}s service halfe the usual & stated price, For a Carter Cart and two horses he finding himselfe and horses five shilling p day. For a horse at Grass three pence a day and night. For a horse at hay & provender six pence a day and night; and if at Boston nine pence. For hire of baggage horse twelve pence p day. For a horse imprest for a post or other special service twelve pence p day.

That the wages or pay of Officers, Mariners and Seamen imployed in his Ma^{ty}s service by sea shall be according to the respective Rates p month hereafter mentioned & no other That is to say

For a Captain of a Ship above Thirty Guns Eight pounds Lieutenant Four Pounds — — — Captain of a Ship or Vessell under Thirty Guns not exceeding seven pounds. Lieutenant (if any be allowed.) Four Pounds — — — Purser of a ship above Thirty Guns Three Pounds — — no purser to be allowed to any ship or Vessell under thirty Guns. Master four pound, — Masters Mate and Pilot Forty five shillings Quarter Master Thirty two Shillings Boatswain fforty Shillings. Gunner fforty Shillings. Chirurgeon fifty Shillings Chirurgeons Mate Thirty Shillings Trumpeter Thirty Shillings. Cooke Twenty Eight Shillings Armourer finding his own Tooles ten shillings over and above Seamens pay. Able seamen Twenty Eight Shillings, Ordinary seamen Twenty four shillings Boy Ten shillings.

Master of a Tender or Deckt Vessell for transporta^{on} four pound Master of an open Boat or sloop Three pound, able seaman in an open boat or sloop thirty shillings — Pilot extraordinary in a ship of War of twenty Guns or upwards, three pounds seventeene. shillings & six pence. Pilot extraordinary in a ship of War under Twenty Guns Three pounds —

That the pay for the hire of a ship of War taken up and fitted by the Owners as such be ten shillings p Tun amonth. of ships or other deckt Vessells for transporta^{on} or Tenders above Eighty Tuns seven shillings p Tun amonth under Eighty Tuns six shillings p Tun amonth: of open sloops or Boats five shillings p Tun amonth.

This Order to continue in force for the space of twelve months next ensueing, and until the end of the sitting of the General Assembly next after the expiration of the said twelve months and no longer. — [*Approved December 18.*]

CHAPTER 57.

VOTE APPOINTING A COMMITTEE, ETC., TO COLLECT THE LAWS RELATING TO THE DUTIES OF GRAND JURORS, CONSTABLES AND TITHINGMEN, TO CONSIDER THE MEMORIALS OF THE MINISTERS, AND TO PREPARE BILLS AGAINST IMMORALITY, ETC.

Vot^d That James Russell Samuel Sewall and Joseph Lynde Esq^{rs} be and are appointed a Co^mittee to joyne with such as shall be named by the House of Representatives to make a collection out of the several Acts and Laws of this Province, of the Powers and dutys of Grand-juro^{rs} Constables and Tythingmen, That so a sufficient number of them may be printed, to informe the s^d Officers of their respective dutys in order to the exciting and quickning of them to a faithful discharge thereof.

Also that the s^d Co^mittee do consider of the several particulars contained in the Memorials present^d by the Ministers, and prepare Bills for redressing of those Evils and im^moralities therein complain^d of, that are not already provided against by Law; to be laid before this Court at their next Sitting. James Russell Esq^r to be chairman of the said Co^mittee, and to appoint the time and place for meeting:.

In Council. 18th Dec^r 1696, and Sent down for concurrence.

Is^a ADDINGTON Sec^y.

Voted A Concurrence — Maj^r Pen Townsend, Capt Nathaniel Byfield M^r John Eyre M^r John Leveret and Capt. Richard Sprague are appointed a Committee for the purpose afores^d

Decemb^r 18th 1696.

PENN TOWNSEND *Speaker* [*Approved*
December 18.

CHAPTER 58.

DRAUGHT OF A PROCLAMATION FOR APPOINTING THURSDAY, FEBRUARY 4, 1696-7, AS A DAY OF PUBLIC THANKSGIVING, AND THE VOTE APPROVING OF SAID DRAUGHT.

A BILL for a public Thanksgiving upon Thursday, the fourth of February next, was drawn up, and, —

Voted and concurred with by the representatives. [*Approved*
December 18.

PROVINCE OF THE
MASSACHUSETTS BAY.

By the Hon^{ble} the Lieu^t Gov^r
Council and Assembly convened in
General Court/

This Court Taking into their serious Consideration the Many Favours God is pleased to indulge his People of this Province with in these distressing times Viz^t the great measure of health continued in most places; the Restraining of our Enemies beyond our hopes, the providing of Bread for us contrary to our Fears; And above all that the pure & powerfull Dispensation of God's Word and Ordinances is plentifully bestowed upon us; the Word of the Lord is not become precious in these dayes through the Scarcity of it And these Favours Enjoyed under the Gracious Governm^t of our Sovereign Lord the King. It is therefore Ordered that Th^ursday the Fourth of February next be Observed as a day of Solemn Thanksgiving throwout this Province, And all servile Labour is hereby forbidden on sd day; And the Several Ministers and People are Exorted diligently to attend their duty herein, that so by our Ingratitude we may not forfeit our hitherto — Continued — Mercies; But that God of Unaccountable Benignity may arise & save us.

CHAPTER 59.

VOTE FOR CONFIRMING THE DEBENTURES ISSUED TO THE SOLDIERS UNDER THE COMMAND OF MAJOR BENJAMIN CHURCH, IN THE LATE EXPEDITION TO THE EASTWARD.

Voted. That all the Souldiers under the Command of Major Benjamin Church in the late Expedition Eastward, shall receive according to the Computation made in the Debentures already granted by the Committee. [*Approved December 18.*]

CHAPTER 60.

VOTE FOR ALLOWING SEVENTY POUNDS TO ISAAC ADDINGTON, SECRETARY OF THE PROVINCE, FOR HIS EXTRAORDINARY SERVICES IN THE YEAR 1696.

THIS HOUSE, considering the extraordinary and constant labour, pains and attendance of Isaac Addington, Esq^r, his maj^{tie}'s secretary, by reason of the pressures of the warr, etc., do grant that there be allowed unto the said Isaac Addington, secretary, out of the public treasury for his extraordinary service in the present year, 1696, the sum of seventy pounds, and pray that the hon^{ble}. the lieut.-governour and council will order the payment of it accordingly. [*Concurred in by the Council and approved December 18.*]

CHAPTER 61.

VOTE FOR REMITTING ELEVEN POUNDS ARREARS OF TAXES FORMERLY LAID ON THE TOWN OF DARTMOUTH.

Voted, In concurrence with the representatives, that Dartmouth old arrears of eleven pounds be discharged by M^r Treasurer, supply being made for it in the last tax. [*Approved December 19.*]

CHAPTER 62.

VOTE FOR ALLOWING FORTY POUNDS, EACH, TO THOMAS DANFORTH, WAIT WINTHROP, ELISHA COOKE AND SAMUEL SEWALL, JUSTICES OF THE SUPERIOR COURT, ETC., FOR THEIR SERVICES DURING THE PREVIOUS YEAR.

Voted. That Thomas Danforth Wait Winthrop Elisha Cooke and Samuell Sewall Esq^{rs} be allowed and paid out of the publick Treasury of this province for their Service as Justices of the Superior Court &^{ca} for the Year last past ending this month; the Sum of fforty pounds apiece. [*Approved December 19.*]

VOTES AND ORDERS

PASSED AT THE SESSION BEGUN AND HELD* AT BOSTON,
ON THE SEVENTEENTH DAY OF MARCH, A.D. 1696-7.

CHAPTER 63.

VOTE FOR REIMBURSING JAMES TAYLOR, PROVINCE TREASURER, OR HIS EXECUTORS, ETC., IN CASE OF HIS DEATH OR REMOVAL FROM OFFICE, ALL SUMS DUE TO HIM OR ADVANCED BY HIM IN HIS OFFICIAL CAPACITY.

INASMUCH as the publick occasions for his maj^{ty}'s service, in the defence of this his province, necessarily require a present disburse of a considerable sum of money for the procuring of provisions, and other supplies, which cannot otherwise be obtain'd without the treasurer accomodate the same by the advance of his own moneys until he may be reimbursed out of the public taxes, the duties of impost, etc., for encouragement therefore unto M^r. James Taylor, treasurer, to serve the present necessity by the laying out of his own moneys for the said occasion, and the better to assure and secure his being reimbursed what and so much as he shall supply for the service of the public, it is hereby, —

Declared and granted, in case of his death or removall from the office of treasurer before he be reimbursed the full of what he may advance of his own proper estate, that he, his executors or administrators shall be repaid such sum or sums of money as shall then appear to be justly due, and owing unto him on that accompt, by the first moneys which shall be next drawn into the treasury, as well of the taxes therein collecting or to be collected, as the duties of impost, excise and tunnage of shipping. [*Approved March 25, 1697.*]

CHAPTER 64.

ORDER FOR SUSPENDING THE SUIT, BROUGHT BY THE PROVINCE TREASURER, AGAINST SAMUEL GALLOP, SHERIFF OF BRISTOL COUNTY, FOR THE ESCAPE OF DANIEL WILCOX, A PRISONER IN HIS CUSTODY.

UPON READING the petition of Capt. Samuel Gallop, sheriff to the county of Bristol, setting forth that Daniel Wilcox, of Little Compton

* After prorogation, December 19, 1696, to February, 1696-7; and, again, by prorogation, proclaimed the eighth of February. These were the first prorogations under the province charter. See Sewall's Diary, vol. I., p. 441.

in the county aforesaid, being committed unto the custody of the petitioner until he should pay and satisfy a fine to his maj^{ty} of one hundred and fifty pounds, etc., made his escape, and that he is informed M^r Treasurer intends speedily to cause him to be prosecuted for the same, which was involuntary in him, praying this court to make such order thereupon as to prevent his suffering damage, —

Ordered, That M^r Treasurer suspend any prosecution of the petitioner, for the fine of said Daniel Wilcox, for six months from this time, and until the end of the next sitting of the general assembly thence following. [*Approved March 25, 1697.*]

CHAPTER 65.

ORDER FOR STAY OF EXECUTION AGAINST JOSEPH DOTY, FORMERLY CONSTABLE OF THE TOWN OF ROCHESTER, AND FOR A NEW ASSESSMENT, ETC., OF A TAX OF SEVEN POUNDS SIX SHILLINGS AND EIGHTPENCE, THE WARRANTS FOR WHICH WERE UNSEASONABLY COMMITTED TO HIM FOR COLLECTION.

UPON READING the petition of Joseph Doty, late constable of the town of Rochester in the county of Barnstable, praying to be releived against an execution issued by the treasurer against the estate of the petitioner, for the sum of seven pounds six shillings and eightpence, being the said town's proportion unto a publick tax granted in February, 1694-5, which said tax nor warrant to collect the same was ever committed unto the petitioner, and the assessors for said town having certified under their hands that they were not in a capacity to make the said assessment untill after the petitioner was dismissed from his office of constable and another chosen and sworn in his place, —

Ordered, That the execution issued out against the petitioner, Joseph Doty, be and hereby is superseded, and that the selectmen or assessors of the town of Rochester for the time being, do forthwith assess the said sum of seven pounds six shillings and eightpence upon the polls and estates of their inhabitants, and committ the same to the present collector or constable of said town, to gather together with the tax now about to be collected, and to make a speedy returne unto the treasurer, that he may issue out his warrant accordingly. [*Approved March 25, 1697.*]

CHAPTER 66.

VOTE FOR ALLOWING TWENTY POUNDS TO ADDINGTON DAVENPORT, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES IN THE YEAR 1696-7.

Voted. y^t M^r Addington Dauenport be allowed out of y^e publick Treasurie Twenty Pounds: for his Service this year as Clerk of y^e house of Representatiues: & y^t M^r Treasurer be ordered to pay said Sum. [*Approved March 27, 1697.*]

CHAPTER 67.

VOTE FOR ALLOWING THIRTY POUNDS TO JAMES MAXWELL, FOR HIS SERVICES AS DOORKEEPER AND MESSENGER TO THE LIEUTENANT-GOVERNOR AND COUNCIL, AND FOR HIS ATTENDANCE UPON THE HOUSE OF REPRESENTATIVES IN THE YEAR 1696-7.

Voted That James Maxwell be allowed out of the publick Treasury the sum of Thirty pounds for a yeares service ending the Eighth day of June next, in attending the Hon^{ble} the Lieu^t Governour & Council as Doorkeeper and Messenger, and also for his attendance on the Assembly at their several sittings this yeare And that payment of the s^d sum be accordingly ordered. [*Approved March 27, 1697.*]

CHAPTER 68.

VOTE AND ORDER FOR REQUESTING THE LIEUTENANT-GOVERNOR TO DIRECT THE CHIEF OFFICER OF EACH REGIMENT ON THE FRONTIERS TO VISIT THE FRONTIER TOWNS IN COMPANY WITH OTHER FIELD-OFFICERS, ETC., AND TO REGULATE THE GARRISONS THERE, AND TO GIVE ORDERS FOR ALTERING AND REPAIRING OR ERECTING FORTIFICATIONS, AND TO ESTABLISH GARRISONS, ETC.; AND PROVIDING FOR THE EXPENSE THEREOF.

FORASMUCH as it is absolutly necessary for his maj^{ty}s Service and the defence of his Interests and Subjects in the Frontiers of this Province, That there be a due Regulation of such Garrison houses and places as are or may be assigned in each Frontier for the Security of the Inhabitants

Vot^d That his honour the L^t Gov^r and Co^mand^r in Chief be moved to grant necessary Orders unto the Chief Officer of the respective Regiments in the out parts of the Province, Impowring him together wth the other ffield Officers of such Regiment, to visit the Frontier Towns and places within y^e same, and advising with the Co^mission Military Officers and some of the principal persons in each Frontier to state & Regulate the Garrisons and Fortifications and to direct and Order what may be proper & necessary to be done in the altering repaying or new makeing of the same or Erecting others in such places or about such houses as they shall judge advisable, and to assigne the number and persons that shall Enforce the s^d Fortifications and reside there for their own Safety. And it is hereby

Declared and Ordered That the Determination of the s^d Co^missioners shall be binding and Obligeing to all the Inhabitants of such Frontier Town or place who are required to conforme themselves accordingly.

And that where there is but one ffield Officer in such Regimt, the Co^mand^r in Chiefe co^missionate two other sutable persons to joyne and assist him in the s^d Service.

And in case the Co^missioners shall Order the Fortifying and Garrisoning of any house or place not heretofore Fortified that the same be done at the charge of the Town in which it shall be. And the Selectmen or assessors of the same Town are hereby Impowred to proportion and assess the charge thereof upon the Inhabitants of such place; therein haveing regard to such of their Inhabitants as have already Fortified at their own charge. [*Approved March 30, 1697.*]

CHAPTER 69.

ORDER FOR THE PAYMENT OF THIRTY-THREE SHILLINGS AND TENPENCE TO JAMES MEERS, TAVERNER, FOR ENTERTAINING A COMMITTEE OF THE GENERAL COURT.

A BILL OF EXPENCE, amounting to thirty-three shillings and tenpence, presented by James Meers, taverner, for entertainm^t of a committee of this court, James Russell, Esq^r, chairman, and sent up from the representatives with the allowance of that house thereupon, was read and past a concurrence that payment of said sum be, —

Ordered. [Approved March 30, 1697.]

CHAPTER 70.

VOTE FOR PAYING FIFTEEN POUNDS EIGHTEEN SHILLINGS TO ELIZABETH STOVER, BEING THE AMOUNT OF A LOST DEBENTURE ISSUED TO HER FOR PROVISIONS, ETC., FURNISHED TO SOLDIERS.

UPON READING the petition of Elizabeth Stover, widow, late of Cape Nudick, in the county of York, therein setting forth that in the year 1691 she had a debenture, given out by the committee for warr, for fifteen pounds eighteen shillings upon the treasury, due to her for provisions and other supplies to soldiers imployed in his majestie's service, which debenture is lost and no part of said sum paid unto her, —

Voted, In concurrence with the representatives, that the said sum of fifteen pounds eighteen shillings be ordered to be paid unto the petitioner out of the public treasury, and that the debenture be cautioned against in case it happen to be found, that the publick may not suffer thereby. [Approved March 30, 1697.]

CHAPTER 71.

VOTE FOR ALLOWING AND PAYING SALARIES TO MAJOR JOHN WALLEY FOR HIS SERVICES AS COMMISSIONER FOR WAR AND AS ONE OF THE COMMITTEE ON DEBENTURES, AND TO CAPTAIN EPHRAIM SAVAGE FOR HIS SERVICES ON SAID COMMITTEE; ALSO FIXING A DATE FOR THE COMMENCEMENT OF A FORMER PENSION TO SAID SAVAGE.

Vot^d That Major John Walley be allowed out of the publick Treasury the Sum of Seventy pounds p annũ for his Service as Co^mmissioner for War, and one of the Co^mmittee for Debentures, from the Sixth of April: 1694.

And that Captain Ephraim Savage be allowed the sum of Thirty pounds p annũ out of the publick Treasury for his Service as one of the Co^mmittee for Debentures begining the Sixth of July 1695.

And that payment be Ordered accordingly to each of them respectively. accounting for so much as either of them have already received for their S^d Service

And that the yearly Stypend or Pension heretofore grant^d by the General Assembly unto Cap^m Ephraim Savage, who was maimed in his Majtys Service, be accounted and reckoned from the 10th day of Octob^r 1690, the time of his being wounded. [*Approved March 30, 1697.*]

CHAPTER 72.

VOTE APPOINTING A COMMITTEE TO AUDIT THE ACCOUNTS OF CALEB RAY, KEEPER OF THE PRISON IN BOSTON, FOR KEEPING CERTAIN FRENCH AND INDIAN PRISONERS OF WAR, AND PROVIDING FOR PAYMENT OF THE AMOUNT FOUND DUE.

Voted, In concurrence with the house of representatives, that Peter Sergeant, John Walley and John Eyre, Esq^{rs}, be a committee to audit and examine the accompt of Caleb Ray, prison-keeper in Boston, for the keeping of Captⁿ Villeau, and other French prisoners of warr, as also the Indian prisoners, allowing him after the rate of five shillings per week for Capt. Villeau and four shillings per week for the other French and Indian prisoners, and to report the same unto the governour and council, with such further reasonable charges as they shall think fit, and that payment be accordingly ordered him out of the public treasury. [*Approved March 30, 1697.*]

CHAPTER 73.

VOTE FOR ALLOWING AND PAYING ONE HUNDRED POUNDS TOWARDS THE EXPENSE OF THE BURIAL OF SIMON BRADSTREET, DECEASED, LATE GOVERNOR OF THE COLONY.

IN CONSIDERATION of the long and Extraordinary Service of the Hono^{ble} Simon Bradstreet Esq^r l[ate*] Governo^r of the Colony of the Massachusetts Bay; who is now deceased and to be interred

Voted, That One hundred pounds be allowed and paid out of the publick Treasury, towards the defraying the charge of s^d Interment. [*Approved March 30, 1697.*]

CHAPTER 74.

VOTE FOR A HEARING ON THE PETITION OF WILLIAM BASSET, IN BEHALF OF THE TOWN OF SANDWICH, PRAYING FOR CONFIRMATION OF A DIVISION OF LANDS AND APPOINTING A COMMITTEE TO INQUIRE AND REPORT AS TO ANY OBJECTIONS THERETO, AND GRANTING LIBERTY TO THE INHABITANTS TO CULTIVATE SAID LAND FOR ONE YEAR.

UPON READING the Petition of Cap^m W^m Bassett on behalfe of the Town of Sandwich praying the approbation and allowance of the Govern^t of the allotment and division made by the Inhabitants of s^d Town of two Necks of Land lying within y^e s^d Township. Viz^t Scorton Neck and Shaum Neck so called.

* Manuscript mutilated.

Vot^d That the consideration of the s^d Pet^{con} be referred unto the General Assembly to be held in May next. And that m^r Thomas Hinckley, Major John Thacher and m^r John Bradford be desired and appointed a Committee to enquire into that matter and to informe themselves from the Inhabitants of said Town of Sandwich or of any other persons concerned what is to be said against the granting of yt which is prayed for by the s^d Pet^{con} and to make Report thereof unto the s^d General Assembly.

And for the better Supply of the s^d Town with Grain in this time of Scarcity, the full Quantity of Land in the said necks improved in tillage the last year be allowed to be sown with English Grain onely this year according to the present allot[ments*] and no more to be broken up. — [*Approved March 31, 1697.*]

CHAPTER 75.

VOTE FOR PAYING TO SUNDRY PERSONS THE VALUE OF UNENDORSED BILLS OF PUBLIC CREDIT BROUGHT IN TO THE TREASURY BY THEM.

AN ACCOMPT of unendorst bills of credit being presented by several persons therein named, amounting to the sum of thirteen pounds thirteen shillings and 6^d. —

Voted, In concurrence with the representatives, that the said bills be returned into the treasury and the persons named in the said accompt to have credit there for the like sums, according to their respective bills. [*Approved March 31, 1697.*]

CHAPTER 76.

VOTE FOR APPLYING TO THE GOVERNMENTS OF CONNECTICUT AND RHODE ISLAND FOR A SUPPLY OF MEN, MONEY AND PROVISIONS FOR CARRYING ON THE WAR, AND APPOINTING COMMISSIONERS THEREFOR.

Voted, That Application be made from this Court to the Governments of Connecticut and Rhode Island for a Supply of men money and provisions to be afforded by the s^d Governments for carrying on the Warr against the Common Enemy; And That Capt. Nathaniel Byfield together with such other person or persons as shall be appointed by His Hon^r the L^t Governo^r and Council be Commissioners to manage the s^d Affair. [*Approved March 31, 1697.*]

CHAPTER 77.

VOTE FOR ALLOWING SIXTY-FIVE POUNDS THIRTEEN SHILLINGS TO MAJOR BENJAMIN CHURCH FOR HIS TIME AND SERVICES AS COMMANDER OF THE FORCES RAISED FOR THE KING'S SERVICE; AND FOR DELIVERING TO HIM HIS BOND GIVEN FOR PLANK, ETC.

IN ANSWER to major Church^s petition

Voted yt he be allowed Twenty Seven pounds Three shillings for his expence in raiseing Souldiers & Eleven pounds for his time therein ex-

* Manuscript mutilated.

pended & Twenty Seven pounds Ten shillings for wages as major in s^d expedition in all Sixty five pounds Thirteen shillings. He Allowing Twenty Seven pounds Advanced to him in money. & takeing ye plank in his custody belonging to ye province at ffourty Eight pounds Thirteen shillings, And paying y^e Ballance which is Ten pounds to ye Treasur he is to have his Bond Relateing to said plank delivered to him, [*Approved March 31, 1697.*]

CHAPTER 78.

VOTE FOR REPRINTING AND DISTRIBUTING IN A SEPARATE PAMPHLET, FIVE HUNDRED COPIES OF SUNDRY ACTS AND PARTS OF ACTS RELATING TO THE DUTIES OF GRAND JURORS, CONSTABLES, TITHINGMEN, ETC., AND APPOINTING SAMUEL SEWELL TO SUPERVISE THE PRINTING THEREOF.

FOR THE BETTER INFORMING of Grandjurors, Constables, Tythingmen and other officers, appointed to see that the Laws for the Suppressing of prophaness, Vice and other Enormitys, be duely observed, and to present & Informe of all persons who shall presume to transgress the same in any respect; of their duty in that regard, that they may be excited thereunto.

Vot^d That the several Acts and Laws Entituled as follow, be forthwith reprinted at the publick charge in Sheets by themselves. *Viz^t*

The Act For punishing criminal Offenders, wth y^e Additional Act

The Acts For Suppressing unlicensed houses.

The Act For Preventing comon nuisances

The Act For the more effectual Suppressing of Drunkenness.

The clause in the Act for Grandjurors setting forth their duty.

The Act for y^e better observation of the Lords day

And that there be five hundred of the said Copys printed to be dispersed among the several Towns in proportion according to the bigness of each Town respectiuey. Samuel Sewall Esq^r to supervise the printing thereof. [*Approved March 31, 1697.*]

CHAPTER 79.

VOTE FOR ALLOWING TEN POUNDS TO RICHARD HUNNEWELL OF YORK, A WOUNDED SOLDIER, FOR HIS PRESENT RELIEF

UPON READING the petition of Richard Honnywell of York, therein setting forth that he hath several times been wounded in the arme by divers shot, which has rendred him uncapable of labour for a livelyhood, praying some allowance for a present supply, and a future annual stipend to be settled on him, —

Voted, In concurrence with the representatives, that the petitioner be allowed out of the public treasury the sum of ten pounds, for his present releif. [*Approved March 31, 1697.*]

CHAPTER 80.

VOTE FOR ALLOWING THREE POUNDS THIRTEEN SHILLINGS IN THE PROVINCE TREASURER'S SETTLEMENT WITH MATHEW BOMER, FORMERLY A CONSTABLE OF FREETOWN, BEING THE AMOUNT PAID BY HIM OUT OF THE TAXES COLLECTED BY HIM, TO SEVERAL PERSONS FOR BILLETING SOLDIERS, ETC.

WHEREAS Mathew Bowmer late Constable of ffreetowne by order from the Treasurer, paid unto Severall persons for billeting and other charges upon Souldiers imployed on His Maj^{ties} Service *anno* 1692 out of the publick Assessments then collected by him. 3[£] 13^s 0, which Order he has since lost

Voted, That M^r Treasurer do discount the s^d Sum of Three pounds Thirteen shillings in the makeing up of his Accounts, And to make such Entry, That if s^d Order be hereafter found, there be no further discount or allowance made. [*Approved March 31, 1697.*]

CHAPTER 81.

VOTE FOR ALLOWING TWENTY-EIGHT SHILLINGS TO ROBERT GUTTERIDGE,* FOR HIS SERVICE AS MESSENGER TO PLYMOUTH FROM THE HOUSE OF REPRESENTATIVES DURING THE PRESENT SESSION.

In the House of Represent. March 31st 1697.

Voted, That M^r Robert Gutteridge be allowed out of the publick Treasury the Sum of Twenty Eight shillings for his Service as Messenger to this House, on a Journey to plymouth this Sessions. [*Approved March 31, 1697.*]

CHAPTER 82.

VOTE FOR ALLOWING COMPENSATION TO HENRY EMMES, MESSENGER OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES DURING THE NOVEMBER SESSION, 1696.

In the House of Representatives.

Voted, That Henry Emes be allowed and paid out of the publick Treasury the Sum of Three pounds for his Service as Messenger to this House, in the Sessions of this Court in Novemb^r last. [*Concurred in by the Council, and approved March 31, 1696-7.*]

* Sometimes written Goodrich.

ORDERS,
RESOLVES, VOTES, REPORT,
PROCLAMATION, ETC.,
PASSED 1697.

LEGISLATIVE LIST

FOR

1697.

WILLIAM STOUGHTON, Esq.,
LIEUTENANT- OR DEPUTY-GOVERNOR, ETC.*
(ACTING GOVERNOR.)

ISAAC ADDINGTON, Esq.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.

Of the inhabitants of, or proprietors of, lands within the territory formerly called the Colony of the Massachusetts Bay:—

| | |
|---------------------------|--------------------------|
| WILLIAM STOUGHTON, Esq., | JOHN PHILLIPS, Esq., |
| THOMAS DANFORTH, Esq., | SAMUEL SEWALL, Esq., |
| JOHN PYNCHON, Esq., | ISAAC ADDINGTON, Esq., |
| WAIT WINTHROP, Esq., | WILLIAM BROWNE, Esq., |
| JAMES RUSSELL, Esq., | SAMUEL SHRIMPTON, Esq.,† |
| BARTHOLOMEW GEDNEY, Esq., | JONATHAN CORWIN, Esq., |
| ELISHA COOKE, Esq., | JOHN FOSTER, Esq., |
| ELISHA HUTCHINSON, Esq., | PETER SERGEANT, Esq., |
| JOHN HATHORNE, Esq., | JOHN WALLEY, Esq., |
| DANIEL PEIRCE, Esq. | |

Of the inhabitants of, or proprietors of, lands within the territory formerly called New Plymouth:—

| | |
|--------------------------|-------------------------|
| WILLIAM BRADFORD, Esq.,† | NATHANIEL THOMAS, Esq., |
| BARNABAS LOTHROP, Esq., | JOHN SAFFIN, Esq., |
| JOHN THACHER, Esq. | |

Of the inhabitants of, or proprietors of, land within the territory formerly called the Province of Maine:—

| | |
|--------------------------|---------------------------|
| CHARLES FROST, Esq., | SAMUEL WHEELWRIGHT, Esq., |
| ELIAKIM HUTCHINSON, Esq. | |

Of the inhabitants of, or proprietors of, land within the territory lying between the river Sagadahoc and Nova Scotia:—

JOSEPH LYNDE, Esq.

* For the full title see p. 71, *ante*, and notes.

† By Sewall's Diary it appears that he was chosen for the province, "at large."

REPRESENTATIVES OR DEPUTIES.

May 26, to December 22, 1697.

PENN TOWNSEND, ESQ., SPEAKER.

COUNTY OF SUFFOLK.

| | |
|--------------------|--|
| <i>Boston,</i> | Maj. Penn Townsend, Capt. Nathaniel Byfield, Capt. Samuel Legg, Mr. Joseph Bridgham.* |
| <i>Dorchester,</i> | Mr. Enoch Wizell.† |
| <i>Roxbury,</i> | Lieut. Samuel Ruggles. |
| <i>Braintree,</i> | Mr. John Ruggell.‡ |
| <i>Dedham,</i> | Sergeant Thomas Metcalf.§ |
| <i>Hingham,</i> | Mr. Samuel Thaxter. |
| <i>Weymouth,</i> | Maj. Ephraim Hunt. |
| <i>Milton,</i> | Mr. William Blake. |
| <i>Medfield,</i> | Mr. John Thurston. |

COUNTY OF MIDDLESEX.

| | |
|---------------------|---|
| <i>Cambridge,</i> | Lieut. David Fiske. |
| <i>Charlestown,</i> | Mr. Samuel Phipps, Mr. Jacob Greene, jun.¶ |
| <i>Watertown,</i> | Capt. Benjamin Gearfield. |
| <i>Newton,</i> | Capt. Isaac Williams.** |
| <i>Malden,</i> | Mr. Henry Green. |
| <i>Reading,</i> | Lieut. Hananiah Parker. |
| <i>Woburn,</i> | Maj. James Convers.†† |
| <i>Concord,</i> | Lieut. Jonathan Prescott. |
| <i>Billerica,</i> | Mr. Simon Crosbey.‡‡ |

COUNTY OF MIDDLESEX — *Concluded.*

| | |
|---------------------|---|
| <i>Sudbury,</i> | Mr. Joseph Noyes, Mr. John Ha[yn]es.§§ |
| <i>Marlborough,</i> | Mr. Samuel Brigham.¶¶ |
| <i>Lancaster,</i> | Mr. John Houghton. |
| <i>Chelmsford,</i> | Capt. Jerahmeel Bowers. |
| <i>Medford,</i> | Lieut. Peter Tufts. |

COUNTY OF YORK.

| | |
|-----------------|---------------------------|
| <i>Kittery,</i> | Mr. William Pepperell.*** |
|-----------------|---------------------------|

COUNTY OF HAMPSHIRE.

| | |
|---------------------|--|
| <i>Springfield,</i> | Sergeant Luke Hitchcock.††† |
| <i>Northampton,</i> | Capt. Preserved Clap, Mr. Joseph Hawley.‡‡‡ |
| <i>Hadley,</i> | Capt. Aaron Cooke. |
| <i>Hatfield,</i> | Capt. Samuel Partrigg.§§§ |

COUNTY OF ESSEX.

| | |
|--------------------|--|
| <i>Salem,</i> | Capt. Samuel Gardner, Mr. Samuel Browne.¶¶¶ |
| <i>Ipswich,</i> | Mr. John Appleton, Mr. Nehemiah Jewet.**** |
| <i>Newbury,</i> | Maj. Daniel Davison. |
| <i>Marblehead,</i> | Mr. Archibald Fergusson.†††† |
| <i>Lynn,</i> | Mr. John Burrill, senior.‡‡‡‡ |

* "Bridgeham," in the Secretary's list.

† "Wiswall," in the Secretary's list.

‡ "Ruggles," in the Secretary's list.

§ "Sergeant Metcalf," in the town records, and "Mr. Metcalf," in the Secretary's list.

¶ "Green," in the town records, and in the Secretary's list; and, in the latter, without the "junior."

|| "Garfield," in the Secretary's list.

** Erroneously written "Jacob," in the Secretary's list.

†† "James Converse, junior," in the town records.

‡‡ "Crosby," in the Secretary's list.

§§ Subscribed to the qualifying oaths is a name, not clearly distinguishable on account of a slight mutilation of the paper, which appears to be "Haynes," as above. John Haynes of Sudbury represented that town in 1691, and he is supposed to have been a deputy this year.

¶¶ Erroneously written "Bridgeham," in the Secretary's list.

|||| "Lieutenant," in the town records, and "Mr. Tuft," in the Secretary's list.

*** From the town records. Not in the Secretary's list, nor subscribed to the qualifying oaths.

††† "Sergeant," in the town records.

‡‡‡ Hawley subscribed to the qualifying oaths, but his name is not in the Secretary's list, and the town records of that date are defective.

§§§ Erroneously entered "Samuel Clapp," in the Secretary's list.

¶¶¶ From the town records; but his name is not in the Secretary's list, nor does he appear to have taken the qualifying oaths.

||||| "Lieutenant-Colonel John Pyncheon," in the Secretary's list; but supposed to have been erroneously so entered, since Appleton, and not Pyncheon, was sworn. The town records are defective.

**** "Jewett," in the Secretary's list.

†††† "Ferguson," in the Secretary's list.

‡‡‡‡ So subscribed to the qualifying oaths; but the name appears in the town records without the addition.

COUNTY OF ESSEX — *Concluded.*

| | |
|--------------------|----------------------------|
| <i>Andover,</i> | Major Dudley Bradstreet,* |
| | Lieut. John Osgood. |
| <i>Haverhill,</i> | Mr. John Paig.† |
| <i>Wenham,</i> | Capt. Thomas Fiske. |
| <i>Beverly,</i> | Lieut. Andrew Elliott. |
| <i>Rowley,</i> | Mr. Ezekiel Jewett. |
| <i>Gloucester,</i> | Capt. James Davis. |
| <i>Salisbury,</i> | Mr. Isaac Morill.‡ |
| <i>Topsfield,</i> | Corporal Tobijah Perkins.§ |
| <i>Amesbury,</i> | Capt. Thomas Harvey. |
| <i>Boxford,</i> | Mr. John Pebody.¶ |

COUNTY OF PLYMOUTH.

| | |
|---------------------|---------------------------|
| <i>Plymouth,</i> | Mr. James Warren. |
| <i>Scituate,</i> | Ensign John Cushing, jun. |
| <i>Bridgewater,</i> | Mr. Samuel Edson. |
| <i>Marshfield,</i> | Mr. Ephraim Little. |

COUNTY OF BARNSTABLE.

| | |
|--------------------|--------------------------|
| <i>Barnstable,</i> | Mr. John Otis. |
| <i>Sandwich,</i> | Capt. William Bassett.** |
| <i>Yarmouth,</i> | Ensign John Hawes.†† |
| <i>Eastham,</i> | Mr. Samuel Knowles. |

COUNTY OF BRISTOL.

| | |
|------------------------|-------------------------|
| <i>Bristol,</i> | Mr. Jabez Howland. |
| <i>Rehoboth,</i> | Deacon Samuel Newman.‡‡ |
| <i>Taunton,</i> | Mr. John Hathway. |
| <i>Swansey,</i> | Ensign Joseph Kent.§§ |
| <i>Little Compton,</i> | Mr. Joseph Church.¶¶ |

DUKE'S COUNTY.

| | |
|-----------------------|----------------------|
| <i>Martha's Vine-</i> | { Mr. Simon Athearn, |
| <i>yard,</i> | |
| | { Matthew Mayhew. |

ADDINGTON DAVENPORT, *Clerk.*JAMES MAXWELL, *Doorkeeper, and Messenger to the Lieutenant-Governor and Council.****HENRY EMMES, *Messenger of the House of Representatives.*

* The town records of this date are defective; but Bradstreet and Osgood both subscribed the qualifying oaths, although the name of the former is not in the Secretary's list.

† "Paige," in the Secretary's list.

‡ "Morrell," in the town records and in the Secretary's list.

§ Subscribed "Tobijah," to the qualifying oaths. See the note to this name in the list of 1695-6.

¶ From the town records; but he did not subscribe the qualifying oaths nor is his name in the Secretary's list.

|| "Ensign," in the town records, "Mr.," in the Secretary's list, and "junior" only in the signature.

** "Basset," in the Secretary's list.

†† "Ensign," in the town records, but "Mr.," in the Secretary's list.

‡‡ "Deacon," in the town records, but "Mr.," in the Secretary's list.

§§ "Ensign," in the town records, but "Mr.," in the Secretary's list.

¶¶ His name appears in the Secretary's list, and the town records show that he was chosen representative; but he does not appear to have taken the qualifying oaths.

||| Subscribed the qualifying oaths, but his name is not in the Secretary's list, nor is there any record of his election.

*** See note to this title in legislative list for 1696-7, *ante*. "Fourth-day Nov: 10th [1697] Lt Gov-ernour and Council met at the Council Chamber, were warn'd by Maxwell the day before." — *Sewall's Diary*, vol. I, p. 463.

ORDERS, RESOLVE AND VOTES

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-SIXTH DAY OF MAY, A. D. 1697.

CHAPTER 1.

ORDER PROVIDING FOR THE CHOICE OF A COMMITTEE, BY THE ATTENDANTS AT THE TWO MEETING-HOUSES IN WATERTOWN RESPECTIVELY, TO REPRESENT THEM AT A HEARING BEFORE THE GENERAL COURT, ON A MOTION BY SEVERAL MINISTERS OF THE PROVINCE, ADVISING THAT THERE BE TWO CHURCHES ESTABLISHED IN SAID TOWN, ETC. [*Approved June 1.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 2.

RESOLVE FOR APPROVING, ETC., THE DIVISION BY THE INHABITANTS OF SANDWICH, OF SCORTON NECK AND SHAUME NECK IN SAID TOWN. [*Approved June 4.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 3.

VOTE DIRECTING THE PROVINCE TREASURER TO ALLOW TEN POUNDS FOURTEEN SHILLINGS AND EIGHTPENCE TO THOMAS DUSTUN, LATE CONSTABLE OF HAVERHILL, BEING THE AMOUNT PAID BY HIM ON THE TREASURER'S ORDER TO COLONEL SALTONSTALL, ON ACCOUNT OF SOLDIERS SERVING UNDER HIM IN 1695,—SAID ORDER BEING BURNT.

Voted That Thomas Dunstan late Constable of Haverhill have discount made unto him by M^r Treasurer for Tenn pounds ffourteen shillings eight pence being so much he payd to Col^o Saltonstal on acco^t of several Souldiers in the Kings Service in 1695, by Order from s^d Treasurer; which s^d Order is since burnt in his house w^{ch} was destroyed by the Enemy. [*Approved June 4.*]

CHAPTER 4.

VOTE FOR APPROVING AND ALLOWING THE PROVINCE TREASURER'S
ACCOUNTS FROM NOVEMBER 11, 1696, TO MAY 22, 1697.

THE ACCOMPTS of M^r. James Taylor, treasurer and receiver-gen^l of this province, beginning the eleventh day of November, 1696, and continued unto the twenty-second day of May, 1697, amounting unto the sum of twenty-six thousand four hundred eighty-eight pounds fifteen shillings and one penny, having been presented and laid before the house of representatives, and inspected by said house, by which it appears there was standing out, on the said twenty-second day of May, the sum of eleven thousand six hundred fifty-four pounds one shilling and ninepence, to be drawn into the treasury, and further to be accounted for, —

Voted, That the said accompts, in the several articles of receipts and payments therein mentioned, amounting unto the sum of fourteen thousand eight hundred thirty-four pounds thirteen shillings and fourpence, be and hereby are approved and allowed of, and the said treasurer is hereby discharged of the said sum of fourteen thousand eight hundred thirty-four pounds thirteen shillings and fourpence. [*Approved June 4.*]

CHAPTER 5.

VOTE FOR ALLOWING TWENTY POUNDS TO MAJOR JONATHAN TYNG,
FOR KEEPING WONALANSET, AN INDIAN SAGAMORE, FOR FOUR
YEARS, BY ORDER OF THE LATE GOVERNOR PHIPS.

A VOTE from the representatives, upon the petition of Major Jonathan Tyng, allowing him the sum of twenty pounds out of the public treasury, for the keeping of Wonalanset, an Indian sagamore, by order of S^r. William Phipps, late governour, for the space of four years, was read and concurred with, and that paym^t thereof be accordingly, —

Ordered. [*Approved June 4.*]

CHAPTER 6.

VOTE FOR ALLOWING THREE POUNDS TO JOHN DARBYSHIRE, WHO
WAS CAPTURED BY THE INDIAN ENEMY AND ESCAPED, FOR THE
LOSS OF HIS GUN AND CLOTHES.

Voted, That John Darbyshire, who lately made his Escape out of the hands of the Indian Enemy, be allowed and paid out of the publick Treasury, The Sum of Three pounds in consideration of the loss of his Gun and Cloaths by the s^d Enemy. [*Approved June 4.*]

CHAPTER 7.

VOTE FOR ALLOWING TWENTY POUNDS TO PETER ASPINWALL, BENJAMIN UNCAS, AND THE PARTY OF INDIANS UNDER THEM IN THE KING'S SERVICE, FOR THEIR ENCOURAGEMENT.

FOR ENCOURAGEMENT unto Pe : Aspinwal Benj^a Uncas and the party of Indians under them Employed in his Maj^{ty}'s Service against the Indian Enemy, at the charge of the Govern^t of Connecticut Colony%.

Voted, That there be allowed and Ordered unto them the Sum of Twenty pounds out of the publick Treasury of this Province. .
[*Approved June 9.*

CHAPTER 8.

VOTE FOR ALLOWING THIRTY-SEVEN POUNDS EIGHT SHILLINGS AND SIXPENCE TO CALEB RAY, KEEPER OF THE PRISON IN BOSTON, FOR KEEPING TWENTY FRENCH AND INDIAN PRISONERS.

THE ACCOMPT of Caleb Ray, keeper of his maj^{tie}'s goale in Boston, amounting unto the sum of thirty-seven pounds eight shillings and sixpence, for keeping of twenty French and Indian prisoners, from the 23^d of March to the 26th of May last, with the representatives' allowance and approbation thereof, to be paid out of the public treasury, was read, and a concurrence therewith, —

Voted, And that payment of said sum be accordingly ordered him.
[*Approved June 11.*

CHAPTER 9.

ORDER APPOINTING A COMMITTEE, ON THE PETITION OF THE SELECTMEN OF HATFIELD FOR A SETTLEMENT OF THE NORTHERLY BOUNDS OF NORTHAMPTON, TO VIEW THE LINES, HEAR THE PARTIES INTERESTED, AND REPORT, ETC. [*Approved June 11.*

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 10.

VOTE FOR ALLOWING FIFTY POUNDS TO THOMAS DUSTUN IN BEHALF OF HIS WIFE HANNAH, AND TO MARY NEFF, AND SAMUEL LEONARDSON, CAPTIVES ESCAPED FROM THE INDIANS, FOR THEIR SERVICE IN SLAYING THEIR CAPTORS.

Voted, In concurrence with the representatives, that there be allowed and ordered, out of the public treasury, unto Thomas Dunston of Haverhill, on behalf of Hannah his wife, the sum of twenty-

five pounds; to Mary Neffe, the sum of twelve pounds ten shillings; and to Samuel Leneerson, the sum of twelve pounds ten shillings (three captives, lately escaped from the Indians); as a reward for their service in slaying divers of those barbarous salvages. [*Approved June 16.*]

CHAPTER 11.

VOTE FOR ALLOWING SIX POUNDS TO JOHN PUGSLEY, OF HARWICH, A DISABLED SOLDIER, TO BE HELD IN TRUST FOR HIM BY MAJOR JOHN THACHER, AND TO BE EXPENDED FOR HIS RELIEF.

Voted, In concurrence with the representatives, that there be allowed and ordered out of the public treasury unto John Pugsley, of Harwich (being harmed and disabled whilst in his majestie's service), the sum of six pounds, to be put into the hands of Major John Thacher, and by him given out, according to his direction, unto said Pugsley for his relief. [*Approved June 16.*]

CHAPTER 12.

VOTE FOR ALLOWING FIFTEEN POUNDS TO SAMUEL WHEELWRIGHT, OF WELLS, FOR HIS EXPENSES AND SERVICES FOR THE PUBLIC.

Voted, In concurrence with the representatives, that there be allowed and ordered out of the public treasury unto Samuel Wheelwright, of Wells, Esq^r, the sum of fifteen pounds, for divers disbursments, charges and services by him done for the public. [*Approved June 16.*]

CHAPTER 13.

VOTE FOR APPROVING THE ACCOUNT OF GEORGE MONCK, TAVERN-KEEPER IN BOSTON, FOR ENTERTAINING THE DEPUTY-GOVERNOR AND MAGISTRATES OF THE COLONY, MAY 14, 1686, AND FOR PAYMENT OF THE SAME OUT OF THE PROVINCE TREASURY.

Voted, In concurrence with the representatives, that the acc^{ts} of George Monk, taverner, amounting to six pounds one shilling and sixpence, for public entertainments, be approved of, and the s^d sum ordered him out of the public treasury. [*Approved June 16.*]

CHAPTER 14.

ORDER DIRECTING THE PROVINCE TREASURER TO ALLOW SEVEN POUNDS ELEVEN SHILLINGS TO FRANCIS CRUMPTON, CONSTABLE OF IPSWICH, BEING THE AMOUNT PAID BY HIM ON THE TREASURER'S ORDER, TO WILLIAM ALLEN OF SALISBURY,—SAID ORDER BEING LOST.

Ordered, That Francis Crumpton, constable of Ipswich, upon making up his accompts with the treasurer, have discount made unto him

of the sum of seven pounds eleven shillings for so much he paid, out of the public taxes committed unto him to collect, unto William Allen, of Salisbury, by order from the treasurer, w^{ch} order is by accident lost; said Crumpton delivering to the treasurer said Allen's receipt, to vouch the aforesaid payment. [*Approved June 16.*]

CHAPTER 15.

ORDER APPOINTING A COMMITTEE TO RUN THE LINE BETWEEN THE TOWNS OF REHOBOTH AND ATTLEBOROUGH, SETTING OFF THE ADDITIONAL GRANT OF ONE MILE AND A HALF, MADE BY THE COURT OF PLYMOUTH COLONY; AND TO MAKE RETURN, ETC.
[*Approved June 17.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 16.

VOTE FOR ALLOWING SIX POUNDS EIGHT SHILLINGS AND SIXPENCE TO NATHANIEL BYFIELD FOR HORSE HIRE, ATTENDANCE AND EXPENSES ON A JOURNEY, IN THE PUBLIC SERVICE, TO RHODE ISLAND AND CONNECTICUT.

Voted, In concurrence with the representatives, that there be allowed and ordered out of the public treasury the sum of six pounds eight shill^{gs} and sixpence, unto Capt. Nathaniel Byfield for horse hire, attendance and expences on a journey to Rhod Island and Connecticut, being employed in the service of this government. [*Approved June 17.*]

CHAPTER 17.

ORDER REQUIRING THE PROVINCE TREASURER TO ISSUE HIS WARRANTS TO THE SELECTMEN, ETC., AND CONSTABLE, ETC., OF THE TOWN OF EDGARTOWN TO ASSESS AND COLLECT THE SUM OF ONE HUNDRED AND EIGHT POUNDS FIFTEEN SHILLINGS AND EIGHT PENCE, BEING THE ARREARS DUE BY SAID TOWN UNDER THE TAX ACT PASSED JUNE 17, 1696; AND PROVIDING FOR PROCEEDINGS BY DISTRESS IN CASE OF THE NEGLECT OR REFUSAL OF SAID TOWN OFFICERS.

WHEREAS The Town of Edgartown On Martha's Vinyard are behind in Arreares of Several Assesments amounting in the whole to One hundred & Eight pounds fifteen Shillings & Eight pence — as appears by the Act Entituled an Act for granting unto his Maj^{tie} a Tax upon Polls & estates made and passed at the sessions y^e 27th May 1696 Which the Select men or Assessors of s^d Town have hitherto neglected and refused to assess upon their inhabitants The Treasurer is hereby

ordered & required to send forth his Warrant to the Select men or assessors of s^d Town of Edgartown requireing them forthwith to assess

the aboves^d sum of One hundred & Eight pounds fifteen shillings & Eight pence which they are in Arreares in manner and form as in y^e s^d Act is set forth And y^e list soe perfected and signed by y^e said Select men or assessors or the Maj^r part of them to commit to the Constable or Collector of s^d Town as also to return a Certificate of y^e name of such Constable or Collector unto the Treasurer at or before the last day of August next ensuing And The Treasurer upon receipt of such Certificate is hereby impowred & ordered to Issue forth his Warrant to said Constable or Collector requireing him to collect and pay in the same at or before y^e last Day of October next ensuing. And if the Select men or Assessors of said Town shall neglect or refuse to perform y^e service required of them by this order they shall pay the said sum of One hundred Eight pounds fifteen Shillings & Eight pence to be Levied by distress & sale of the estates real or personal of said Select men or Assessors by Warrant from y^e Treasurer directed to the Sheriff of the County and for want of estate their bodies to be taken and imprisoned in S^d County Goal & If none there then in plymouth Goal until they pay the same. And the Sheriff Constable or Collector failing of performing the duty and service of them respectively required shall be liable and Subject unto the like pains penalties and forfeitures to be prosecuted and recovered of them in y^e same way & manner as in and by any act or Acts of the General Assembly or any Clause branch or Article thereof are set declared and discribed. And That a Copy of this order be sent with the Treasurers Warrant to the Select men or Assessors of said Town of Edgartown — [Approved June 17.]

CHAPTER 18.

VOTE FOR ALLOWING AND PAYING TWO HUNDRED AND FIFTY POUNDS TO WILLIAM STOUGHTON, FOR HIS SERVICES AS LIEUTENANT-GOVERNOR, ETC., IN THE YEAR 1696-7.

Voted, That the Sum of Two hundred and fifty pounds be allowed and paid to the Hono^{ble} William Stoughton Esq^r out of the publick Treasury, for his Service the last Year as Leiut^{nt} Governour & Comand^r in chief of this province. [Approved June 18.]

CHAPTER 19.

VOTE FOR ALLOWING AND PAYING FIFTY POUNDS TO INCREASE MATHER, FOR HIS SERVICES AS PRESIDENT OF HARVARD COLLEGE IN THE YEAR 1696-7.

Voted, That M^r Increase Mather be allowed and paid out of the publick Treasury the Sum of fifty pounds for his last Yeares Service as President of Harvard Colledge [Approved June 18.]

CHAPTER 20.

VOTE FOR ALLOWING ELEVEN POUNDS OUT OF THE PROVINCE TREASURY TO WILLIAM SOUTHWORTH, DANIEL EATON AND WILLIAM HILLIARD, LATE CONSTABLES OF LITTLE COMPTON, IN FULL, OF THE EXPENSES, ETC., OF THEIR PROSECUTION IN THE COURTS OF RHODE ISLAND, FOR EXECUTING WARRANTS, ETC., OFFICIALLY COMMITTED TO THEM IN THIS PROVINCE.

THE PETITION and accompt of Capt. William Southworth, Daniel Eaton and William Hillyard, late constables of Little Compton, of their charges and expences on occasion of their being arrested at Rhod Island, and prosecuted in the courts there, for executing several warrants and orders committed to them by this government, was read and, —

Voted, In concurrence with the representatives, that there be allowed and paid out of the public treasury, the sum of five pounds unto Captⁿ William Southworth, and the sum of six pounds unto the s^d Daniel Eaton and William Hillyard, in full of their several charges and expences in the said accompt mentioned. [*Approved June 18.*]

CHAPTER 21.

VOTE FOR ALLOWING TWO HUNDRED AND THIRTY POUNDS TO JAMES TAYLOR, TREASURER OF THE PROVINCE, FOR HIS SERVICES IN THE YEAR 1696-7.

Voted, That M^r James Taylor be allowed and paid out of the publick Treasury the Sum of Two hundred and Thirty pounds for his Service the last Year as Treasurer of this province. [*Approved June 18.*]

CHAPTER 22.

VOTE FOR ALLOWING SEVEN POUNDS TO ADDINGTON DAVENPORT, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES DURING THE PRESENT SESSION.

Voted That M^r Addington Dauenport Clerk of y^e house of Representatives be allowed Seaven pounds out of y^e prouince Treasury for his service as Clerk this p^rsent Session. [*Approved June 18.*]

CHAPTER 23.

VOTE FOR ALLOWING FOUR POUNDS TEN SHILLINGS (INCLUDING A FORMER ALLOWANCE), TO HENRY EMMES, MESSENGER OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES IN THAT OFFICE.

Voted, That the abovenamed Henry Emms be allowed and paid out of the publick Treasury the Sum of ffour pounds Tenn shillings; including what hath already been Ordered him; being Three pounds. at the last Session. [*Approved June 18.*]

CHAPTER 24.

VOTE FOR ALLOWING EIGHT POUNDS, EACH, TO ELISHA HUTCHINSON AND NATHANIEL BYFIELD, FOR THEIR SERVICES AS COMMISSIONERS TO RHODE ISLAND AND CONNECTICUT.

Voted, That there be allowed and paid out of the publick Treasury to L^t Col^o Elisha Hutchinson and Capt. Nathaniel Byfield for their service as Commiss^{rs} from this Government to the Governments of Rhoad Island and Connecticot, the Sum of Eight pounds apeice. [*Approved June 18.*]

CHAPTER 25.

VOTE FOR REIMBURSING JAMES TAYLOR, PROVINCE TREASURER, OR HIS EXECUTORS, ETC., IN CASE OF HIS DEATH OR REMOVAL FROM OFFICE, ALL SUMS DUE TO HIM, OR ADVANCED BY HIM IN HIS OFFICIAL CAPACITY.

INASMUCH as the publick Occasions for His Maj^{ties} Service & the defence of this his Province require a Speedy disburse of a considerable Sum of money for the procuring of provisions and other Supplys, which cannot otherwise be Obtained without the Treasurer accomodate the same by the advance of his own moneys, until he may be reimbursed out of the publick Taxes, and the Dutys of Impost & ^{ra}

ffor Encouragement therefore unto M^r James Taylor Treasurer to serve the present Necessity by the laying out of his own moneys for the s^d Occasion, and the better to assure and secure his being reimbursed what and so much as he shall Supply for the Service of the publick.

Voted, In case of his death or Removal from the Office of Treasurer, before he be reimbursed the full of what he shall advance of his own proper estate, That he his Executors or Administrators shall be repaid such Sum or Sums of money as shall then appear to be justly due and owing unto him on that Accompt, by the first moneys which shall be next drawne into the Treasury, as well of the Taxes then in collecting or to be collected as the Dutys of Impost Excise and Tunnage of Shipping. [*Approved June 19.*]

CHAPTER 26.

VOTE IN EXPECTATION OF THE ARRIVAL OF THE EARL OF BELLOMONT, THE NEWLY-APPOINTED GOVERNOR OF THIS PROVINCE, RECOMMENDING THAT PROVISION BE SPEEDILY MADE, AT THE PUBLIC EXPENSE, FOR HIS RECEPTION AND ACCOMMODATION.

Voted, Whereas By Letters Lately Receined from the Lords Commissioners for Trade & Planta^{cons} (which By his Hono^rs Direction haue bin laid before this House) we are ginen fully to understand that his maj^{tie} hath appointed the Earle of Bellamont, to be his Gouer^r of this

Province New-Yorke, & New-hampshire; and Cap^t Generall of the other parts of New-England, & y^e Jerseys whose happy Arrivall here we are in dayly expectation off, do therefore Humbly Recommend it, to His Hon^r the Lt Gover^r & Commander in Cheife; and the Honor^d Council; that with all Speed provision may be made for the Reception & Accommodation of that Noble Lord in the Best manner that this Place is Capiable off, the Charge whereof to be Borne By the Province. [*Concurred in by the Council, and approved June 19.*]

ORDER, VOTES AND REPORT

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE EIGHTH DAY OF SEPTEMBER, A. D. 1697.

CHAPTER 27.

ORDER FOR APPOINTING A COMMITTEE TO RUN THE LINES BETWEEN
THE TOWNS OF FREETOWN AND TIVERTON, AND TO MAKE REPORT
OF THEIR DOINGS, ETC. [*Approved September 10.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc.,
of towns, etc.*]

CHAPTER 28.

VOTE FOR ALLOWING AND PAYING THIRTY POUNDS OUT OF THE
PROVINCE TREASURY TO THE TOWN OF BERWICK TOWARDS THE
MAINTENANCE OF A MINISTER FOR THE GARRISON THERE.

UPON READING the petition of sundry of the principal inhabitants of
the parish of Barwick in the county York, —

Voted, In Answer to this petition; That s^d Parish of Barwick shall
be allowed and paid out of the publick Treasury the Sum of Tenn
pounds for the Year last past; And Twenty pounds more for the Year
ensuing towards maintenance of a minister for the Garrisons in s^d
place. [*Approved September 10.*]

CHAPTER 29.

REPORT OF A COMMITTEE ON THE DIVIDING LINE BETWEEN REHO-
BOTH AND ATTLEBOROUGH, AND THE VOTE APPROVING AND CON-
FIRMING THE DIVISION PROPOSED THEREIN. [*Approved September 10.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc.,
of towns, etc.*]

CHAPTER 30.

VOTE DIRECTING THE COMMITTEE ON DEBENTURES TO FORBEAR
ISSUING DEBENTURES OR DRAWING UPON THE TREASURY UNTIL
THE NEXT SESSION EXCEPT UPON THE SPECIAL ORDER OF THE
LIEUTENANT-GOVERNOR AND COUNCIL

WHEREAS the demands from the Treasury are far greater than can
at present be answered until a further Supply be made; which this
Court Resolve to make at their next Session/.

Vol^d That the Committee for Debentures do forbear passing Deben-
ture's or drawing upon the Treasury until the next Session of this
Court, other than in any particular cases as the Gov^t and Council shall
judge necessary and give direction for [*Approved September 10.*]

VOTES, PROCLAMATION AND ORDERS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRTEENTH DAY OF OCTOBER, A.D. 1697.

CHAPTER 31.

VOTE APPOINTING A COMMITTEE OF THE GENERAL COURT TO HEAR
THE LOAF-BREAD BAKERS OF BOSTON, PETITIONERS FOR RELIEF
FROM THE SEVERITY OF THE ACT FOR THE DUE ASSIZE OF
BREAD.

UPON READING at the board a petition of the loaf-bread bakers in
Boston praying to be relieved against the severity of the act for the
due assize of bread, and to be heard by their council of their griev-
ances in that respect, —

Vot^d That the Pet^{rs} be heard by a Co^mittee of this Court. And that
L^t Col^o Hathorne, L^t Col^o Hutchinson and Cap^{nc} Nath^a Thomas,
with such others as shall be named by the House of Representatives,
be a Co^mittee for that purpose/.

In the House of Representatives

Ordered, That Capt. Nathan^l Byfield Capt. Samuel Gardner Cap:
Samuel Legg and M^r Joseph Bridgeham do joine with the Gent. of the
Council appointed thereto to be a Committee to hear the petitioners
within mentioned. [*Approved October 15.*]

CHAPTER 32.

VOTE APPOINTING THURSDAY, NOVEMBER 11, 1697, AS A DAY OF
PUBLIC THANKSGIVING.

Voted, That Thursday the Eleventh of Novemb^r next be set apart as
a publick day of Thanksgiving throughout this province; and That a
Bill be prepared accordingly. [*Approved October 15.*]

CHAPTER 33.

DRAUGHT OF A PROCLAMATION FOR A DAY OF SOLEMN THANKSGIVING.

PROVINCE OF THE

MASSACHUSETTS BAY/.

By the Hon^{ble} the Lt Gov^r & Comander
in Chief Council and Assembly.

A Proclamation.

WHEREAS, Notwithstanding the awfull Rebukes of Divine Providence, which we have cause to be deeply sensible of, God has in the midst of Wrath remembred Mercy; Since He has this year favoured us with a more plentiful Harvest, than in some former years; having been graciously pleased in the Summer past to send plentiful Showers of Blessing, and that as a signal Answer to Prayer; on which Account the Vow of Praise ought to be performed to Him: And has moreover saved us from a feared Invasion of potent Adversaries; And has blessed us with Health in a very gracious Measure, when some other Plantations are visited with malignant & mortal Diseases Upon which Considerations Thorsday the Eleventh of November next is hereby appointed to be kept as a Day of solemn Thanksgiving throughout the Province: And both Ministers & People are Exorted to Endeavour that an Acceptable Sacrifice of Praise may be offered to God by Jesus Christ. And all Servile Labour is hereby inhibited on said Day.
[*Approved October 18.*]

CHAPTER 34.

VOTE FOR REMITTING TO THE IMPORTERS THE IMPOST, AND CHARGE OF ENTRY, OF A QUANTITY OF RUM SAVED FROM THE WRECK OF THE SHIP PROVIDENCE.

UPON READING the petition of Robert Howard of Boston, merch^t, in behalf of himself and other owners and freighters of the ship Providence, Michael Gill, master, therein setting forth that the said ship, in her voyage from Barbadoes to Boston, upon the 28th of September, last, was cast away and broken to peices on Harding's rocks, nigh unto Nantuket, and a small quantity of rhum, of the cargo on board her, was driven ashore, but through the badness of the cask much salt water mixed therewith, and a considerable charge expended for the salvage thereof, praying that on consideration of their great loss, the impost of the s^d rhum so saved, may be remitted unto the persons concerned therein, —

Voted, That the Severall Casks of Rhum that are saved shall be entred in the Impost Office according to the Account presented with this petition; And that the Impost thereof shall be remitted to the petitioners, together with the charge of entry. [*Approved October 19.*]

CHAPTER 35.

VOTE FOR PAYING TWENTY POUNDS OUT OF THE PROVINCE TREASURY TO JOHN WALLEY, NATHANIEL BYFIELD AND JAMES CONVERSE FOR THEIR SERVICES AS COMMISSIONERS FOR FARMING THE EXCISE DURING THE CURRENT YEAR.

WHEREAS Maj^r John Walley, Cap^t Nathaniel Byfield, & Maj^r James Converse were by this Court sometime in June Last past appointed Commissioners for y^e manadgem^t of the Excise of this Province for y^e Year ensueing, and after a message, was brought down to this house from y^e Lien^t Govern^r & Councill that it was thought three shillings in y^e Pound to be a meet compensation for their charge, paines, & troubles therein, it was agreed by this Court that they should be rewarded according to their trouble & Service they shall do for the Province in the manadgement of said Affaire, and this house being Satisfied with their manadgem^t of said Affaire, and it Appearing that the Excise is Farmed-out for some hundred of Pounds more then was made of it the Last Year, and the s^d Gentlemen having as by an Acco^t laid before us been out of pocket between thirty & Fourty shillings, of w^{ch} Twenty Two shillings was paid by them for writings relateing to the Same —

Voted that for the reimburseing and Compensateing of the Said Walley, Byfield and Converse, there be paid them out of the Publique Treasury of this Province the Sume of Twenty pounds. [*Approved October 19.*]

CHAPTER 36.

VOTE FOR ALLOWING AND PAYING OUT OF THE PROVINCE TREASURY TWENTY POUNDS, ETC., TO CAPTAIN JOHN WING, FORMERLY COMMANDER OF THE LATE FORT AT PEMAQUID, FOR HIS EXTRAORDINARY SERVICES THERE, AND IN ADDITION TO HIS ORDINARY WAGES, ETC.

Voted, That Captain John Wing, some time commander of the late fort at Pemaquid, and employed there in the time of building the same, be allowed as a gratuity for his extraordinary service there (besides his ordinary wages), the sum of twenty pounds to be paid out of the public treasury, if nothing hath been before allowed in that respect; and if anything be yet due to him for billeting of souldiers under the command of Capt. Barnard, he is referred to the committee for granting debentures. [*Approved October 19.*]

CHAPTER 37.

ORDER APPOINTING A HEARING ON THE PETITION OF THOMAS HINCKLEY, PRAYING THAT TWO HUNDRED ACRES OF LAND NEAR SECONET MAY BE LAID OUT TO HIM ACCORDING TO A FORMER GRANT, AND FOR NOTIFYING THE ADVERSE PARTIES THEREOF. [*Approved October 19.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 38.

VOTE FOR ALLOWING AND PAYING TEN POUNDS OUT OF THE PROVINCE TREASURY TO COLONEL JOHN PYNCHON FOR HIS EXTRAORDINARY SERVICES AND EXPENSES WITH THE REGIMENT UNDER HIS COMMAND ON THE FRONTIERS.

Voted, That Col^o. John Pyncheon be allowed out of the public treasury the sum of ten pounds for his extraordinary service and expences within the regiment under his command, lying frontier to the enemy, and that an order for payment thereof be made out. [*Approved October 20.*]

CHAPTER 39.

VOTE FOR ALLOWING TEN POUNDS IN ADDITION TO A FORMER GRANT, TO COLONEL JOHN PHILLIPS AND CAPTAIN NATHANIEL BYFIELD FOR THEIR SERVICES AND EXPENSES IN A VISIT TO THE FORCES AT THE EASTWARD BY ORDER OF THE COMMANDER-IN-CHIEF, ETC.

AN ACCOMPT presented by Col^o. John Phillips and Capt. Nath. Byfield, of their charge and expences in a journey to the eastern parts of this province by order from the commander-in-chief, with advice of the council, to visit the forces then in service, and to encourage them to a further prosecution of the enemy, amounting to fourteen pounds four shillings and eightpence, was read, and allowed and, —

Voted, By the board, that ten pounds over and above the ten pounds formerly ordered, be allowed unto the s^d. accomptants, in ful of their expence and in further acknowledgement of their service; which vote being sent down to the representatives was concurred with by them. [*Approved October 22.*]

CHAPTER 40.

VOTE AND ORDER FOR ALLOWING AND CONFIRMING TO THE HEIRS OF CAPTAIN RICHARD BEERS THREE HUNDRED ACRES OF LAND ADJOINING THE TOWN OF MARLBOROUGH, IN SATISFACTION OF A GRANT OF THE GENERAL COURT TO SAID BEERS, MAY 24, 1682, FOR HIS SERVICES IN THE WAR, ETC. [*Approved October 22.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 41.

VOTE FOR ALLOWING AND PAYING THIRTY POUNDS TO EPHRAIM SAVAGE FOR HIS SERVICES FROM JULY 6, 1696, TO JULY 6, 1697, AS ONE OF THE COMMITTEE FOR PASSING DEBENTURES.

Voted, That there be allowed out of the public treasury unto Capt. Ephraim Savage, the sum of thirty pounds for his service as one of the committee for passing debentures, from the sixth of July, 1696, to the sixth of July, 1697, and that payment be ordered him accordingly. [*Approved October 22.*]

CHAPTER 42.

ORDER FOR GIVING GRATUITIES TO HUGH, AN INDIAN OF EAST HARBOR ON CAPE COD, AND TO HIS INDIAN COMPANIONS, FOR THEIR SERVICES IN REPELLING, KILLING AND CAPTURING CERTAIN FRENCH ENEMIES OF THE KING.

WHEREAS Information being Given that the Indiyans Residing att and neare East harbor on Cape Cod to the number of ten, did on the landing of the ffrench Enemie there in September last past, make Choice of one amongst themselves to leade them, and unanimously Repel Kill and take some of the sd Enemie, and did thereby Defend the Estates of the English which otherwise might have been taken and Caryed away by the s^d french Enemie It is therefore

ordered by this Court: and the authority thereof that there be given as a gratuity unto Hugh the Cap^t of the s^d Indiyens a good gun and to Each of the other nine a Coat of Duffels or blanket and to be paid out of the publick tresury, and that it be put Into the hands of Cap^t Sparow at Eastham to be distributed unto s^d Indiyons. [*Approved October 22.*]

CHAPTER 43.

ORDER FOR COLLECTING THE TAXES COMMITTED FOR COLLECTION TO JOSEPH FROST, LATE CONSTABLE OF CHARLESTOWN, DECEASED, AND NOT COLLECTED AT THE TIME OF HIS DEATH, AND RESPITTING PROCEEDINGS THEREFOR AGAINST THE ESTATE OF SAID FROST.

UPON READING the petition of Hannah Frost, widow of Joseph Frost, some time past constable of Charlestown, deceēd, therein setting forth that the estate of the s^d Joseph Frost is taken in execution to satisfy the remainder of several sums of money left uncollected by her s^d husband at the time of his death, of the public taxes or assessments to him committed, praying to be relieved, and that some meet person may be improved to perfect the s^d collection,—

Ordered, That pursuant to the law of this province, the selectmen of s^d Charlestown do forthwith nominate and procure, at the charge of

s^d. town, a fit person or persons to collect or gather in the arrears of said taxes or assessments and pay the same into the treasury, the selectmen to provide such collector or collectors with a list of the names of the persons, and sums due from each of them towards the s^d. assessments; and the treasurer is hereby impowered and directed to make out his warr^{ts}. with the usual powers to such collectors, to gather in the same, and what and so much of the arrears as shall be brought into the treasury is to be abated and discounted in part of what the estate of s^d. Frost is seized for, and the further proceeding against the estate of s^d. Frost as to the disposal thereof, as also any prosecution against the sheriffe of Middlesex relating to that matter, are hereby respited until further order. [*Approved October 22.*]

CHAPTER 44.

ORDER FOR ENFORCING THE ORDER OF SEPTEMBER 10, 1697, FOR STATING THE LINES BETWEEN THE TOWNS OF FREETOWN AND TIVERTON. [*Approved October 26.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 45.

VOTE FOR ALLOWING AND PAYING FIFTEEN POUNDS TO ZEBADIAH WILLIAMS, A SOLDIER WOUNDED IN THE KING'S SERVICE AT THE ATTACK ON DEERFIELD.

Voted, That there be allowed out of the public treasury the sum of fifteen pounds unto Zabariah Williams, a souldier wounded in his majestie's service when Deerfield was attacked. for his cure, loss of time and expences, and that payment be accordingly ordered. [*Approved October 26.*]

CHAPTER 46.

VOTE FOR ALLOWING AND PAYING TEN POUNDS, AND AN ANNUAL PENSION OF FIVE POUNDS, BESIDES THE EXPENSE OF HIS CURE, TO NICHOLAS PICKETT OF MARBLEHEAD, A SOLDIER MAIMED IN THE KING'S SERVICE.

Voted, That there be allowed out of the public treasury unto Nicholas Pickett of Marblehead, a souldier wounded and maimed in his majestie's service, the sum of ten pounds for this year, and five pounds per annum afterwards until such time as this court shall order otherwise, as also the charge of his cure be defreyed by the publick, and that payment be ordered accordingly. [*Approved October 26.*]

CHAPTER 47.

VOTE FOR ALLOWING TWENTY POUNDS OUT OF THE PROVINCE TREASURY TO SUCH MINISTER AS SHALL BE PROCURED BY THE TOWN OF LANCASTER TO REMAIN THERE ONE YEAR, TO SUCCEED THEIR FORMER MINISTER WHO WAS SLAIN BY THE ENEMY.

UPON CONSIDERATION of the damage and spoil lately done by the enemy upon the town of Lancaster, in which their minister was slain, —

Voted, That for the encouragement and enabling of s^d. town to get a minister, there shall be allowed out of the public treasury, the sum of twenty pounds to the minister that shall be procured to live there for the first year. [*Approved October 26.*]

CHAPTER 48.

VOTE APPOINTING A HEARING ON THE PETITION OF WALTER SHEPARD AND ISAAC RICE OF SUDBURY, AGAINST THOMAS BROWNE AND JAMES MINOT, JUSTICES OF THE PEACE, AND FOR NOTIFYING SAID JUSTICES TO ATTEND ACCORDINGLY; ALSO FOR A STAY OF EXECUTION, ETC.

Voted, That Walter Shepard and Isaac Rice of Sudbury, in the county of Middlesex, be heard the first Tuesday in the next sessions of this court, upon their complaint preferred against M^r. Justice Browne and M^r. Justice Minot, the said justices to be notified to attend accordingly, and that order be given from this court to stay the execution granted agst. the complainants. [*Approved October 26.*]

CHAPTER 49.

VOTE FOR ALLOWING TWENTY POUNDS OUT OF THE PROVINCE TREASURY, TOWARDS THE MAINTENANCE OF THE MINISTRY AT THE GARRISON AND TOWN OF DUNSTABLE FOR ONE YEAR, FROM JUNE 12, 1697.

Voted * * That y^e Towne of Dunstable be allowed towards y^e Maintenance of the Ministry at y^r Garrissons & Towne Twenty pounds to be payd out of the prouince Treasury for this year: beginning y^e 12th, June 1697 vntil next June [*Approved October 28.*]

CHAPTER 50.

VOTE FOR ALLOWING ONE HUNDRED THIRTY-SIX POUNDS FOURTEEN SHILLINGS AND FOURPENCE TO CALEB RAY, KEEPER OF THE PRISON IN BOSTON, FOR KEEPING THE FRENCH PRISONERS OF WAR AND THE INDIAN PRISONERS, ETC.

TWO ACCOMPTS of Caleb Ray, keeper of his majestie's goal in Boston, for the keeping of French prisoners of warr and the Indian prisoners, the one from the sixth of June past unto the eighth of September following, amounting to the sum of one hundred and eight pounds and fivepence, and the other from the s^d. 8th of September unto the thirteenth of October, amounting to the sum of twenty-eight pounds thirteen shillings and eleven pence, sent up from the representatives with their approbation and allowance thereof to be paid out of the public treasury, were read and a concurrence therewith, —

Voted, And that payment of s^d. sums be accordingly ordered. [*Approved October 29.*]

CHAPTER 51.

VOTE FOR ALLOWING SEVENTY POUNDS TO ISAAC ADDINGTON, SECRETARY OF THE PROVINCE, FOR HIS EXTRAORDINARY SERVICES IN THE YEAR 1696-7.

IN CONSIDERATION of the Extraordinary pains and Service of Isaac Addington Esq^r Secretary; this last Year

Voted, That there be allowed and paid unto him out of the publick Treasury the Sum of Seventy pounds [*Approved October 30.*]

CHAPTER 52.

VOTE FOR ALLOWING SIX POUNDS TO ADDINGTON DAVENPORT, FOR HIS SERVICES AS CLERK OF THE HOUSE OF REPRESENTATIVES DURING TWO SESSIONS IN 1697.

Voted In y^e house of Representatives That M^r Addington Dauenport clerk of this house be allowed Six pounds out of ye publick Treasury for his Service the Last Sessions & this psent Session [*Concurred in by the Council, and approved October 30.*]

CHAPTER 53.

VOTE FOR ALLOWING AND PAYING TWENTY POUNDS OUT OF THE PROVINCE TREASURY TO RUTH KNILL, WIDOW OF PHILIP KNILL, LATE OF CHARLESTOWN, DECEASED, FOR THEIR NEGRO SLAVE IMPRESSED INTO, AND DYING IN, THE KING'S SERVICE.

Voted, That there be allowed and paid out of the publick treasury unto Ruth Knile,* widow of Phillip Knile, late of Charlestown, dece^ded,

* “Knill,” in the copy of the records in the State Library, and in the petition, in the archives.

the sum of twenty pounds for their negro man, Sambo, who being impressed into his majestie's service on board a ship of warr was there seized with a mortal distemper whereof he died. [*Approved October 30.*]

CHAPTER 54.

VOTE FOR ALTERING AND FITTING UP THE REPRESENTATIVES' ROOM IN THE TOWN-HOUSE, UNDER THE DIRECTION OF THE JUSTICES, REPRESENTATIVES AND SELECTMEN OF BOSTON, AND FOR DEFRAYING THE EXPENSE THEREOF.

Voted, That the Roome in the Town house where the Representatives of this Province meet be altered and fitted up so as to make it more convenient and accomodable, as the Justices and Representatives with the Selectmen of said Town shall direct and appoint.. the Charge whereof to be paid one halfe out of the publique Treasury of the Province, one fourth part by the County of Suffolke, and the other fourth by the Town of Boston as is provided by an act of this Province for defraying the charge of repairs of s^d house/. [*Approved October 30.*]

CHAPTER 55.

ORDER FOR INCREASING THE WAGES OF THE OFFICERS AND MEN OF THE PROVINCE GALLEY, FOR THE YEAR 1697-8.

WHEREAS for y^e maning of y^e province Gally for his majesty's Service There was a necessity to promise incouragement to the officers & voluntiers beyond what this Court had allowed Bee it

ordered for this present year; provided it be no president for the future. That ye Docter be allowed ffour pounds p month The warrant officers Three pounds p month And y^t y^e voluntiers not Exceeding Twelve be allowed ffourty shillings apeice p month — [*Approved October 30.*]

CHAPTER 56.

ORDER APPOINTING A COMMITTEE TO VIEW, ETC., AND REPORT ON THE FEASIBILITY OF A CANAL THROUGH SANDWICH FROM BARNSTABLE BAY TO MONUMENT BAY, FOR THE PASSAGE OF VESSELS, ETC.

WHEREAS it is thought by many to be very necessary for the preservation of men and Estates, and very profitable and usefull to the publick; if a passage be Cut thrô the Land att Sandwich from Barnstable Bay so called into Monement Bay, for Vessells to pass to and from the Westernne parts of this Country.

Ordered; That M^r John Otis of Barnstable, Capt. William Bassett and M^r Thomas Smith of Sandwich be and hereby appointed to view the place, and make Report to this Court at their Next Sessions what they judge will be the Generall Conveniences or Inconveniences that may accrue thereby; and what the charge of the same may be.; — and probability of effecting thereof. [*Approved October 30.*]

VOTES, RESOLVE, ORDERS, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE FIFTEENTH DAY OF DECEMBER, A.D. 1697.

CHAPTER 57.

VOTE FOR REMITTING THE IMPOST ON ALL GOODS OF THE CARGO OF THE SHIP SUCCESS, STRANDED AT CAPE ANN, AS SHALL APPEAR TO THE COMMISSIONER OF THE IMPOST TO BE DAMAGED BY SALT WATER, ETC.

UPON READING the petition of Severall Merch^{nts} ffreighters on board the Ship Success Sam^l Turel Mast. from London, now put on Shoare at Cape Ann and there stranded, Praying for Abatement of the Impost on the Goods laden on s^d Ship; by reason of the damage hapning to them by s^d Accident.

Voted, That there shall be an Entry made of all y^e Goods laden on board s^d Ship, and that the Impost shall be remitted on all Such of the s^d Goods as shall appear to the Co^mmissioner of the Impost to be damnified by the Salt Water comeing into the s^d Ship. [*Approved December 17.*]

CHAPTER 58.

RESOLVE FOR ALLOWING AND PAYING FORTY POUNDS, EACH, TO THOMAS DANFORTH, WAIT WINTHROP, ELISHA COOKE AND SAMUEL SEWALL, JUSTICES OF THE SUPERIOR COURT, ETC., FOR THEIR SERVICES FOR ONE YEAR TO DECEMBER, 1697.

Ordered, That there be Allowed and paid out of y^e publick Treasury to the Hono^{ble} Thomas Danforth Wait Winthrop Elisha Cooke and Sam^l Sewall Esq^{rs} Justices of the Superiour Court of Judicature &c for their Service therein this last Year unto each ffifty pounds apeice [*Approved December 17.*]

CHAPTER 59.

ORDER FOR ALLOWING AND PAYING JAMES MAXWELL, FOR HIS SERVICES AS DOORKEEPER TO THE COUNCIL AND REPRESENTATIVES FROM JUNE 8, 1697, AT THE RATE OF THIRTY POUNDS PER ANNUM.

Ordered, That there be allowed and paid out of the publick Treasury unto James Maxwell, what is due to him for his Service as Door Keeper to the Council, and House of Representatives from the Eighth of June last past until this time; after the rate of Thirty pounds *per* Ann. [*Passed December 17.*

CHAPTER 60.

VOTE FOR ALLOWING TEN POUNDS OUT OF THE PROVINCE TREASURY, TOWARDS THE SUPPORT OF THE MINISTRY IN THE TOWN OF STOW.

UPON REPRESENTATION made by the freeholders and inhabitants of the town of Stow, setting forth their great poverty and smallness, being reduced to great streights by the distresses of the warr, lying frontier to the enemy, whereby they are rendred incapable of supporting the ministry without some assistance, —

Voted, That there be allowed and paid unto the selectmen of s^d. town of Stow, in behalfe of said town, the sum of ten pounds out of the publick treasury towards support of the ministry there. [*Approved December 17.*

CHAPTER 61.

VOTE FOR ALLOWING AND PAYING EIGHT POUNDS OUT OF THE PUBLIC TREASURY TO ABRAHAM FOSTER OF IPSWICH, A SOLDIER WOUNDED IN THE KING'S SERVICE.

UPON READING the petition of Abraham Foster, of Ipswich, a soldier lately wounded in his majestie's service, praying for some allowance, —

Voted, That there be allowed and paid unto the said Abraham Foster out of the publick treasury the sum of eight pounds for smart money. [*Approved December 17.*

CHAPTER 62.

APPOINTMENT BY THE GENERAL COURT, OF WAIT WINTHROP, ELISHA COOKE AND PENN TOWNSEND, AS A COMMITTEE TO WAIT UPON GOVERNOR BELLOMONT UPON HIS ARRIVAL AT NEW YORK.

WAIT WINTHROP and Elisha Cooke, Esq^{rs}, two of the members of the council, and Penn Townsend, Esq^r, speaker of the assembly, were nominated and appointed by the court to wait upon his excellency Richard, earle of Bellomont, captain-general and govern^r-in-chief of this province, etc., upon his arrival at New York. [*Passed December 17.*]

CHAPTER 63.

ORDER FOR A NEW APPOINTMENT FOR THE HEARING ON THE PETITION OF THOMAS HINCKLEY, PRAYING THAT TWO HUNDRED ACRES OF LAND NEAR SECONET MAY BE LAID OUT TO HIM ACCORDING TO A FORMER GRANT, AND FOR NOTIFYING THE ADVERSE PARTIES THEREOF. [*Approved December 18.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 64.

VOTE FOR ALLOWING TEN POUNDS OUT OF THE PROVINCE TREASURY TO TIMOTHY PHILLIPS, SHERIFF OF MIDDLESEX COUNTY, TOWARDS HIS EXPENSES AND FEES IN SEVERAL CASES OF WITCHCRAFT TRIED IN THAT COUNTY IN 1692, AND ORDERING THE COURT OF SESSIONS TO RAISE THE REMAINDER BY A COUNTY TAX, ETC.

UPON READING the petition and accompt presented by Timothy Phillips, sheriffe of the county of Midd^x, amounting unto forty-two pounds thirteen shillings and tenpence for dyat expences and fees for several prisoners accused and tryed for witchcraft within the s^d county in the year 1698, * —

Voted, That the petitioner be allowed the sum of ten pounds out of the publick treasury towards his said accompt, and the quarter sessions of the peace in said county of Middlesex are ordered and impowered to raise on said county the remainder of said acc^t, and pay the balance thereof upon their adjustment. [*Approved December 18.*]

* *Sic*: 1692.

CHAPTER 65.

VOTE FOR AUDITING AND PAYING THE ACCOUNT OF CALEB RAY
KEEPER OF THE PRISON IN BOSTON, FOR KEEPING THE FRENCH
PRISONERS OF WAR AND INDIANS, ETC.,—AMOUNTING TO FORTY-
FIVE POUNDS SIXTEEN SHILLINGS.

AN ACCOMPT of Caleb Ray, keeper of his majestie's prison in Boston, amounting to forty-five pounds sixteen shillings, for keeping several French prisoners of warr and Indians from the 13th of October last to this day, was read and, —

Voted, In concurrence with the representatives, that it be referred unto Mr Secretary and Major John Walley to audit the same, and that payment be made unto him, the s^d Ray, according to their report thereon. [*Approved December 18.*]

CHAPTER 66.

VOTE FOR ADOPTING AN ADDRESS TO THE EARL OF BELLOMONT,
APPOINTED GOVERNOR OF THE PROVINCE, AND INSTRUCTIONS TO
THE COMMITTEE APPOINTED TO WAIT UPON HIM AT NEW YORK.

THE ADDRESS to his excellency Richard, earle of Bellomont, captain-general and governour-in-chief of this province, etc., and instructions to the gentlemen appointed to wait on his excellency at New York, were again read, and, —

Voted, and sent down to the representatives and concurred with by them. [*Passed December 20.*]

CHAPTER 67.

ORDER FOR GRANTING A NEW TRIAL, IN THE NATURE OF AN APPEAL,
TO WALTER SHEPARD AND ISAAC RICE, PETITIONERS, ETC., AND
FOR ORDERING THAT THE EXECUTION OR WARRANT OF DISTRESS
ISSUED AGAINST THEM BY THE JUSTICES THOMAS BROWNE AND
JAMES MINOT, BE SUPERSEDED.

WHEREAS Walter Shepard and Isaac Rice of Sudbury in the County of Midd^x have preferd their Pet^{con} & Complaint unto this Court against the proceedings of Tho: Browne and James Minot Esq^{rs} two of his Ma^{ty}s Justices of the Peace within said County for denying them the benefit of the Law to Appeal from a Sentance given against them by the s^d Justices upon the 8th of Sep^r last past whereby they were adjudged to pay Ten Shillings each as a Fine to the King and costs of prosecution.

And the said Justices haveing been notified thereof and appearing, Say they were ignorant of the alteration of the Law, as to allowing a Liberty of Appeal in criminal cases.

This Court do declare that the Complainants ought to have been allowed an Appeal. And do hereby

Order that they have a new hearing of the matter for which they were Sentenced by the s^d Justices at the next Court of General Sessions of the Peace to be holden for the s^d Connty of Midd^x in the nature of an Appeal; And that the s^d Court on due hearing thereof do that which to Justice appertaineth. And further

Order that the Execution or warrant of distress made out against the Complainants, for the s^d Fines and charges, be and hereby is Superseded. [*Approved December 22.*]

CHAPTER 68.

ORDER APPOINTING A COMMITTEE TO RECEIVE AND EXAMINE CLAIMS BY OFFICERS AND SOLDIERS WOUNDED IN THE KING'S SERVICE BY THE ENEMY, IN THE ENGAGEMENT AT THE EASTWARD IN THE SUMMER OF 1697, AND TO MAKE REPORT THEREON TO THE ASSEMBLY.

Ordered That Lieu^t Col^o Elisha Hutchinson, Samuel Sewall & Peter Sergeant Esq^{rs} be a Committee to receive and inquire into the demands that are or shall be made for allowance unto any Officers or Souldiers which were wounded in his Ma^{ty}'s service in the engagement with the Enemy this last summer in the Eastern parts of this Province, and to make report thereof unto the General Assembly — [*Approved December 22.*]

RESOLVES, ORDERS, VOTES,
LETTER, PROCLAMATION
AND ADDRESSES,

PASSED 1698.

LEGISLATIVE LIST

FOR

1698.

WILLIAM STOUGHTON, Esq.,
LIEUTENANT- OR DEPUTY-GOVERNOR, ETC.*
(ACTING GOVERNOR.)

ISAAC ADDINGTON, Esq.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.

Of the inhabitants of, or proprietors of, lands within the territory formerly called the Colony of the Massachusetts Bay:—

| | |
|--------------------------|------------------------|
| WILLIAM STOUGHTON, Esq., | ISAAC ADDINGTON, Esq., |
| THOMAS DANFORTH, Esq., | JOHN PHILLIPS, Esq., |
| JOHN PYNCHON, Esq., | JONATHAN CORWIN, Esq., |
| WAIT WINTHROP, Esq., | WILLIAM BROWNE, Esq., |
| JAMES RUSSELL, Esq., | JOHN FOSTER, Esq., |
| ELISHA COOKE, Esq., | PETER SERGEANT, Esq., |
| JOHN HATHORNE, Esq., | JOHN WALLEY, Esq., |
| ELISHA HUTCHINSON, Esq., | DANIEL PEIRCE, Esq., |
| SAMUEL SEWALL, Esq., | JOHN APPLETON, Esq., |
| PENN TOWNSEND, Esq. | |

Of the inhabitants of, or proprietors of, lands within the territory formerly called New Plymouth:—

| | |
|--------------------------|---------------------|
| WILLIAM BRADFORD, Esq.,† | JOHN THACHER, Esq., |
| BARNABAS LOTHROP, Esq., | JOHN SAFFIN, Esq., |
| NATHANIEL THOMAS, Esq. | |

Of the inhabitants of, or proprietors of, land within the territory formerly called the Province of Maine:—

| | |
|---------------------------|---------------------------|
| SAMUEL WHEELWRIGHT, Esq., | ELIAKIM HUTCHINSON, Esq., |
| JOSEPH HAMMOND, Esq. | |

* For full title see pp. 5, 43, 71, *ante*, and notes.

† There is no record of Bradford's having taken the qualifying oaths, nor does he appear to have sat in the Council at any time during the year.

Of the inhabitants of, or proprietors of, land within the territory lying between the river of Sagadahoc and Nova Scotia: —

JOSEPH LYNDE, ESQ.

REPRESENTATIVES OR DEPUTIES.

May 25, to December 10, 1698.

CAPT. NATHANIEL BYFIELD, SPEAKER.

COUNTY OF SUFFOLK.

| | |
|--------------------|--|
| <i>Boston,</i> | John Eyre, Esq., Capt. Andrew Belcher,* Capt. Nathaniel Byfield, Capt. Samuel Legg. |
| <i>Roxbury,</i> | Mr. Nathaniel Holmes.† |
| <i>Dorchester,</i> | Capt. Samuel Clap. |
| <i>Milton,</i> | Capt. Thomas Vose. |
| <i>Braintree,</i> | Mr. John Wilson. |
| <i>Weymouth,</i> | Mr. Micajah Torrey. |
| <i>Dedham,</i> | Mr. Asahel Smith. |
| <i>Medfield,</i> | Capt. Samuel Barbur ‡ |
| <i>Hingham,</i> | Mr. Wm. Hearsey.§ |

COUNTY OF ESSEX — *Concluded.*

| | |
|-------------------|-----------------------------|
| <i>Rowley,</i> | Capt. Joseph Boynton. |
| <i>Salisbury,</i> | Lieut. Nathaniel Brown.§§ |
| <i>Amesbury,</i> | Mr. John Kimball, senior.¶¶ |
| <i>Andover,</i> | Col. Dudley Bradstreet. |
| <i>Haverhill,</i> | Mr. Peter Ayer. |

COUNTY OF YORK.

| | |
|-----------------|---------------------|
| <i>York,</i> | Mr. Abraham Preble. |
| <i>Kittery,</i> | Mr. Richard Cutt. |

DUKE'S COUNTY.

| | |
|------------------|--------------------|
| <i>Chilmark,</i> | Mr. Thomas Mayhew. |
|------------------|--------------------|

COUNTY OF ESSEX.

| | |
|--------------------|---|
| <i>Salem,</i> | Capt. Samuel Gardner, Mr. Samuel Browne ¶ |
| <i>Ipswich,</i> | Col. John Wainwright, Capt. William Goodhue. |
| <i>Newbury,</i> | Maj. Daniel Davison, Maj. Thomas Noyes. |
| <i>Lynn,</i> | Capt. John Burrill, jun.** |
| <i>Marblehead,</i> | Capt. Nathaniel Norden. |
| <i>Beverly,</i> | Mr. Samuel Baleh. |
| <i>Wenham,</i> | Mr. John Newman. |
| <i>Topsfield,</i> | Lieut. Thomas Baker.†† |
| <i>Gloucester,</i> | Capt. James Davis. |
| <i>Boxford,</i> | Mr. John Pebody.‡‡ |
| <i>Bradford,</i> | Mr. John Boynton. |

COUNTY OF MIDDLESEX.

| | |
|---------------------|------------------------------|
| <i>Charlestown,</i> | Capt. Richard Sprague. |
| <i>Cambridge,</i> | Mr. Thomas Oliver. |
| <i>Newton,</i> | Mr. John Ward. |
| <i>Watertown,</i> | Capt. Benjamin Gearfield.*** |
| <i>Sudbury,</i> | Ensign Joseph Rice. |
| <i>Marlborough,</i> | Mr. Thomas How. |
| <i>Concord,</i> | Mr. Jonathan Prescott.††† |
| <i>Chelmsford,</i> | Capt. Jerahmeel Bowers. |
| <i>Billerica,</i> | Mr. Simon Crosby. |
| <i>Woburn,</i> | Maj. James Convers.‡‡‡ |
| <i>Reading,</i> | Mr. Hananiah Parker. |
| <i>Medford,</i> | Mr. John Whitmore.§§§ |
| <i>Malden,</i> | Mr. Isaac Hill |

* Chosen to succeed Penn Townsend who was first chosen representative, and afterwards elected to the Council.

† "Holms," in the Secretary's list.

‡ "Barber," in the Secretary's list.

§ "Hersey," in the Secretary's list.

¶ "Brown," in the Secretary's list.

|| Erroneously written "Denison," in the Secretary's list.

** "Capt.," and "Burril," in the Secretary's list, but "John Burrill, jun.," in the town records.

†† "Lieut.," in the town records, but "Mr.," in the Secretary's list.

‡‡ "Peabody," in the Secretary's list.

§§ "Lieut.," in the town records, but "Mr.," and "Browne," in the Secretary's list.

¶¶ "Senior," in the town records.

|||| "Ayre," in the Secretary's list.

*** "Garfield," in the Secretary's list.

††† "Prescot," in the Secretary's list.

‡‡‡ "Converse," in the Secretary's list and in the town records.

§§§ "Whittemore," in the Secretary's list.

COUNTY OF BARNSTABLE.

| | |
|--------------------|---|
| <i>Barnstable,</i> | Mr. John Otis. |
| <i>Eastham,</i> | Mr. Israel Cole. |
| <i>Yarmouth,</i> | Ensign John Hawes,* Mr. Thomas Smith † |

COUNTY OF BRISTOL — *Concluded.*

| | |
|------------------------|-----------------------|
| <i>Swansey,</i> | Mr. Joseph Kent.** |
| <i>Taunton,</i> | Capt. Thomas Leonard. |
| <i>Dartmouth,</i> | Capt. Seth Pope. |
| <i>Little Compton,</i> | Mr. John Woodman. |

COUNTY OF PLYMOUTH.

| | |
|---------------------|------------------------------|
| <i>Plymouth,</i> | Mr. Jonathan Morey, senior ‡ |
| <i>Scituate,</i> | Mr. Samuel Clap § |
| <i>Marshfield,</i> | Ephraim Little.¶ |
| <i>Duxbury,</i> | Mr. Francis Barker. |
| <i>Bridgewater,</i> | Mr. Josiah Edson. |

COUNTY OF HAMPSHIRE.

| | |
|---------------------|----------------------------|
| <i>Springfield,</i> | Sergeant Luke Hitchcock.†† |
| <i>Northampton,</i> | Mr. Joseph Hawley. |
| <i>Hatfield,</i> | Capt. Samuel Partrigg ‡‡ |
| <i>Hudley,</i> | Mr. George Stillman. |
| <i>Westfield,</i> | Mr. John Noble. |
| <i>Deerfield,</i> | Mr. Jonathan Wells. |

COUNTY OF BRISTOL.

| | |
|-----------------|------------------------|
| <i>Bristol,</i> | Mr. Ebenezer Brenton. |
| <i>Rhoboth,</i> | Deacon Samuel Newnan.¶ |

ISLAND OF NANTUCKET.

Mr. James Coffin.§§

ADDINGTON DAVENPORT, }
WILLIAM PAYNE. } *Clerks.¶¶*

JAMES MAXWELL, *Messenger and Doorkeeper to the Lieutenant-Governor and Council and Doorkeeper to the House of Representatives.*

HENRY EMMES, *Messenger of the House of Representatives.*

* From the town records, but he does not appear to have taken or subscribed the qualifying oaths, nor is his name in the Secretary's list.

† See note ¶¶ to this name in the legislative list of 1695-6, p. 73, *ante*.

‡ It appears by the town records that Ephraim Morton was first chosen, but refused to serve.

§ "Nathaniel," in the Secretary's list.

¶ From the town records; not sworn and not in the Secretary's list.

¶¶ "Deacon," in the town records.

** The following entry in the town records respecting the choice of this representative is interesting, as showing how early the question What constitutes a majority vote at a town meeting where some present refrain from voting? had been settled in practice:—

"At a town meeting by virtue of his Majesties Writt to us directed for ye choice of a Representative to serve at ye Great & general Court to be holden May 25th 1698—The Town being Legally warned as per Return of ye Constables & being mett together May 17, 1698—first Chose a Moderator & Chose Mr. Jos: Kent for ye day & proceeded to chuse a Representative & Mr. Jos: Kent had ye greatest number of votes but not ye majr part of ye votes or Electors yⁿ present whereon was some debate wheither the choice was Legall or not but at last concluded by ye Majr part It was Legal & according to ye Custome of other Towns."—*Book 2, p. 108.*

†† "Sergeant," in the town records. This was a case of alternate or successive representation, such as had been disallowed in the case of Woburn, in 1696. The vote of the town was as follows:—

"At a Towne Meeting May the tenth 1698 Sargant Luke Hitchcock and Ensigne Joseph Stebbins weare chosen Representatives for this yeare Viz: successively on at a tyme to go to the Court. Sargant Luke Hitchcock was chosen for the first sessions and Ensigne Joseph Stebbins for the next."

As Stebbins's name is not in the Secretary's list nor subscribed to the qualifying oaths, it is probable that the House refused to seat him.

‡‡ This was a similar case of alternate representation. The vote of the town was as follows:—

"May 9th 1698. Capt. Saml. Partrigg as also they made choice of Eleazer Frary. as a supply to serve with said Partrigg by turn. One at a session till said court be ended. provided the Court allow them so."—*Town records, p. 105.*

Frary was probably rejected by the House, in accordance with the rule established in the case of the town of Woburn, in 1696. His name does not appear in the Secretary's list, nor subscribed to the qualifying oaths.

§§ Erroneously written "Converse," in the Secretary's list.

¶¶ Davenport was chosen clerk to serve during the first session, and Payne held the office for the rest of the year.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-FIFTH DAY OF MAY, A. D. 1698.

CHAPTER 1.

RESOLVE FOR THE APPOINTMENT OF A COMMITTEE TO THANK
NICHOLAS NOYES FOR HIS ELECTION SERMON.*

Resolved, By the board, that Samuel Sewall, Esq^r, together with such of the representatives as shall be appointed by that house, do give the thanks of this court unto M^r Nicholas Noyes, minister, for his sermon preached before this court yesterday, and to desire a copy thereof from him, in order to printing the same, and that five hundred copies thereof be printed. [*Passed May 26.*]

CHAPTER 2.

ORDER FOR THE APPOINTMENT OF A COMMITTEE TO CONFER WITH
JOHN BRIDGER, ONE OF THE KING'S PURVEYORS OF NAVAL STORES,
AND TO REPORT, ETC.

UPON READING a proposal made by M^r John Bridger, appointed one of the purveyors for naval stores (recommended by his excellency the earl of Bellomont), that a guard may be provided for him, to defend himself and workmen from the Indians infesting these territories, whilst they were surveying the woods, —

Ordered, By the board, that Elisha Hutchinson, John Walley, Eliakim Hutchinson, Esq^{rs}, together with such as may be nominated by the representatives, be and are hereby desired and appointed to discourse the said M^r Bridger, and to inform themselves of what powers and instructions he has from his majesty relating to the business of naval stores, and of the methods he designs to take in prosecution thereof, and to report the same, that consideration may be had thereof and needful encouragement be given. [*Concurred in by the House, and passed May 27.*]

* See vote, 1693, chapter 1, *ante*, and note.

CHAPTER 3.

RESOLVE FOR A HEARING UPON THE PETITION OF ABRAHAM WILLIAMS OF MARLBOROUGH, FOR RELIEF FROM A JUDGMENT AWARDED AGAINST HIM BY THOMAS BROWNE, A JUSTICE OF THE PEACE.

A PETITION of Abraham Williams of Marlborough, praying to be allowed relief from a sentence given against him by M^r Thomas Brown, one of his majestie's justices of peace in the county of Middlesex, and to be heard at the general sessions of the peace for said county in forme of an appeal, being read at the board, —

Resolved, That the petitioner be allowed a hearing as prayed for, and sent down for concurrence. [*Concurred in by the House, and passed June 1.*]

CHAPTER 4.

RESOLVE AND ORDER APPOINTING A COMMITTEE, AT THE EXPENSE OF THE INHABITANTS THERE, TO EXAMINE AND REPORT UPON THE SITUATION OF FRAMINGHAM WITH RESPECT TO THE EXPEDIENCY OF MAKING IT A TOWNSHIP, AND TO NOTIFY THE TOWNS OF SUDBURY, MARLBOROUGH AND SHERBURNE OF THE TIME OF THEIR MEETING. [*Approved June 2.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 5.

RESOLVE FOR ALLOWING AND PAYING TWELVE POUNDS TO MAJOR JAMES CONVERSE FOR EXPENSES INCURRED BY HIM WHILE IN THE PUBLIC SERVICE.

UPON READING the petition of Major James Converse, —

Resolved, That the petitioner be allowed twelve pounds as a compensation for several expences by him made whilst in his majestie's service, and further allowance for his service. [*Approved June 8.*]

CHAPTER 6.

RESOLVE FOR ALLOWING TWENTY POUNDS TO ELEAZAR ROGERS OF PLYMOUTH, A WOUNDED SOLDIER, IN FULL COMPENSATION FOR HIS LOSS AND INJURY.

UPON READING the petition of Eliezer Rogers of Plimouth, —

Resolved, That the petitioner be allowed twenty pounds out of the public treasury, in full compensation for smart money, and for the loss and damage sustained by him as therein is set forth, being wounded in his majestie's service and lost one of his eyes. [*Approved June 8.*]

CHAPTER 7.

RESOLVE DECLARING THE TOWN OF ANDOVER TO BE A FRONTIER TOWN DURING THE PRESENT REBELLION OF THE EASTERN INDIANS.

Resolved, That the Towne of Andover shall from this time be esteemed a frontier Towne during the Present Rebellion of the Eastern Indians. [*Approved June 8.*]

CHAPTER 8.

ORDER FOR CONTINUING THE HEARING ON THE PETITION OF THOMAS HINCKLEY FOR THE CONFIRMATION OF A FORMER GRANT OF LAND NEAR SECONET.* [*Approved June 8.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 9.

RESOLVE ADOPTING PROPOSALS RESPECTING THE DEFENCE OF THE FRONTIERS.

SOME PROPOSSALLS Refferring to y^e Deffence of y^e Frontiers

Imp^r twenty four men in Garrison at Wells
twenty in Garrison at York
twenty five in Garrison at Kittery
twenty men for a Scout for them three towns
One Cap^{tn} & two Leuf^{ts} to Comand them —
Mr Wheelwright Majo^r Hamond & the Cap^{tains} of y^e Companys
to be a Comittee for Warr to direct for y^e improvement of
them —
Salco twenty men.
Salsberry two men
Ansberry fowr men
† Haverhill Eight men
Andover fowr men
Belirca fowr men
Chelmsford Eight men
Dunstable — Eight men
Groaton Eight men
Lanchestor Eight men
Stow two men
In Hampshire

* See *ante*, 1697, order, chapter 63.

† Endorsed on the original resolve is the following, "Bradford. 2 men to y^e 31^o Aug^t ./."

Derefeild Sixteene men
 Brookfeild Six men
 Hatfeild three men for town & ffarme
 Northampton two men
 Hadley two men
 Westfeild two men
 ffortie men in two Companys to Scout One half of them from
 Amsberry & so on the North of Haverhill as far as Dunstable
 the other Half from Dunstable to Nashaway On y^e North of
 Nashaway River &

Alsoe that an Address be sent to his Excell y^e Earl of Balemount
 that he would be pleased to take some Order with y^e Maquas to call or
 draw of any of the Scatecooke or other Indians Under there Comand
 from Wenepescocket the white Hills or the places thereabouts —

That it be taken into Consideration by this Co^rte to Raise a Tax to
 Enable & forward y^e afores^d affaire as well as the other incident
 Charges of this Province —

June 10th 1698. In the House of Representatives ;

Resolved, And sent up to His Hon^r the Lient^{nt} Governour and
 Council for Approbation.

die p^{re}dict. Read in Council and Resolved a concurrence [Passed
 June 10.

CHAPTER 10.

RESOLVE FOR ALLOWING AND PAYING FORTY-SIX POUNDS TWELVE
 SHILLINGS AND FIVEPENCE TO ABRAHAM PREBLE AND OTHERS
 FOR BILLETING SOLDIERS IN THE KING'S SERVICE IN 1690 AND 1691

Resolved, That there be allowed and paid out of the publick treasury,
 to Abraham Preble of York, eleven pounds eighteen shillings and
 eleven pence ; to Matthew Austin, eighteen pounds eight shillings and
 6^d.; to Arthmr Bragdon, three pounds seven shillings and sixpence ;
 to Jeremiah Moulton, four pounds eight shillings and sixpence ; to
 James Plaisted, one pound fourteen shillings ; to Henry Milbury, three
 pounds seven shillings and sixpence, and to Thomas Trafton, three
 pounds seven shillings and sixpence ; the whole amounting to forty-
 six pounds twelve shillings and fivepence, each man to be paid his re-
 spective part thereof, as abovesaid, except part thereof do appear, by
 the books of the co^mmissioners for the warr, to be paid already ; which
 sums to the beforenamed persons, respectively, are for their billeting
 of soldiers imploy'd in his majesty's service in the years 1690 and
 1691. [Approved June 10.

CHAPTER 11.

RESOLVE FOR ALLOWING SIX POUNDS TO JOSEPH ENGLISH, AN
 INDIAN, FOR BRINGING INTELLIGENCE OF THE MOVEMENTS OF
 THE ENEMY.

Resolved By y^e House of Rep^rsentatives that Joseph English an
 Indian Escaping from French Cap^{tivity} & makeing his way home

Giveing intelligence of y^e Motions of the Enemy with intent to doe Misscheife upon y^e Fronteirs at this tyme that there be Six pounds drawn Out of the Publique Treasurie & put into y^e hands of Maj^r James Converse & Cap^t Jerathmell Bowers to be by y^m improved for to Suply s^d Indian & his Wife & Children with Cloathing as a Recompence for his good Service [*Concurred in by the Council, and approved June 14.*]

CHAPTER 12.

RESOLVE AND ORDER FOR PERMITTING THE INHABITANTS OF THE WEST SIDE OF STONY BROOK, IN THE TOWN OF WATERTOWN, TO CALL AND SETTLE A MINISTER IN THAT PART OF THE TOWN, AND FOR ERECTING THEM INTO A SEPARATE PRECINCT. [*Approved June 14.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 13.

ORDER APPOINTING A HEARING ON THE PETITION IN BEHALF OF THE INHABITANTS OF SALEM VILLAGE, AND FOR NOTIFYING THE TOWN OF TOPSFIELD TO ATTEND, ETC. [*Approved June 14.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 14.

RESOLVE FOR REFERRING TO THE NEXT SESSION OF THE GENERAL COURT THE PETITION OF THE INHABITANTS OF THE PRECINCT OF MUDDY RIVER FOR CONFIRMATION OF AN ORDER, PASSED IN THE TIME OF PRESIDENT DUDLEY, EXEMPTING SAID PRECINCT FROM CERTAIN TAXES TO THE TOWN OF BOSTON.

UPON READING a petition of the inhabitants of Muddy River, praying a confirmation of an order of the president and council, *anno* 1686, exempting said precinct from rates to the town of Boston, for their highwayes, poor, and other town charges, etc., —

Resolved, That the said petition be referred to the next sessions of this court, the town of Boston to be notified thereof. [*Approved June 14.*]

CHAPTER 15.

RESOLVE FOR TRANSCRIBING AND FORWARDING A CONGRATULATORY ADDRESS TO KING WILLIAM, ON THE OCCASION OF THE PEACE BETWEEN FRANCE AND ENGLAND, AND FOR THE APPOINTMENT OF THE EARL OF BELLOMONT, GOVERNOR, ETC.*

A CONGRATULATORY ADDRESS unto his majesty, on occasion of the peace, and for appointing and sending over so noble and worthy a person to be his majestie's governour of this province, was drawn up and read and, —

Resolved, To be fairly transcribed and sent forward to be presented.
[*Approved June 15.*

CHAPTER 16.

RESOLVE AND ORDER FOR PAYING TO SUNDRY PERSONS THE VALUE OF UNENDORSED BILLS OF PUBLIC CREDIT BROUGHT IN TO THE TREASURY BY THEM.

Resolved and Ordered, That several unendors't bills of credit, amounting to the sum of forty-two shillings in the whole, presented by the persons hereafter named; viz^t, M^r Samuel Phips, a bill for five shillings; M^r Daniel Oliver, seventeen shillings; James Gooch, five shillings; and M^r Samuel Wentworth, twenty shillings, be taken in by the treasurer, and that they respectively have credit for the like sums.
[*Approved June 17.*

CHAPTER 17.

RESOLVE FOR ALLOWING AND PAYING SIX POUNDS TO JOHN GILLET, A SOLDIER IN THE KING'S SERVICE, RETURNED FROM CAPTIVITY.

Resolved, That there be allowed and paid out of the public treasury the sum of six pounds to John Gillet, for his present relief, having been employed as a souldier in his majestie's service within the province, and taken prisoner by the enemy and carried to Canada, and from thence to old France, and now returned home. [*Approved June 17.*

* No copy of an address of this description, and bearing this date, has been found in the archives; but the address printed with the resolves of the next year (chapter 3, 1699-1700, *post*), was evidently prepared for precisely the same purpose. It is hardly probable that it could have been intended to present to the king two successive addresses of thanks for the appointment of Bellomont, and hence it may be conjectured that, for some reason which does not appear on the records, the original address, which was forwarded to the agents of the province, by the Secretary, "per Captain Gwinn," July 14, 1698, failed to reach its destination.

CHAPTER 18.

VOTE FOR APPROVING THE DRAUGHT OF A LETTER * FROM THE COUNCIL AND REPRESENTATIVES TO THE EARL OF BELLOMONT IN ANSWER TO SEVERAL LETTERS RECEIVED FROM HIM.

A LETTER to his ^{ex^{ty}} the earle of Bellomont from the council and assembly, in answer to two several letters received from his lord^{sh^p}, was drawn up and, —

Agreed to. [*Passed June 18.*

CHAPTER 19.

RESOLVE FOR ALLOWING FIVE POUNDS FOURTEEN SHILLINGS AND SIXPENCE OUT OF THE PROVINCE TREASURY TO SAMUEL GALLOP, SHERIFF OF BRISTOL COUNTY, IN DISCHARGE OF HIS ACCOUNT OF THE EXECUTION OF SEVERAL WARRANTS.

Resolved, That there be allowed out of the public treasury unto Captⁿ Samuel Gallop, sheriff of the county of Bristol, the sum of five pounds fourteen shillings and sixpence, upon his accompt presented of service done in the execution of several warrants. [*Approved June 22.*

CHAPTER 20.

RESOLVE FOR REDEEMING THE LAND OF BENJAMIN ALLEN, LATE CONSTABLE OF SALISBURY, WHICH WAS SOLD ON A WARRANT OF DISTRESS FROM THE PROVINCE TREASURER, AND FOR AUTHORIZING THE ASSESSMENT AND COLLECTION OF THE AMOUNT OF TAXES IN ARREARS FOR WHICH SAID LAND WAS SEIZED AND SOLD.

WHEREAS, a certain peice or parcel of meadow belonging to Benjamin Allen, late constable of Salisbury within the county of Essex, by virtue of a warrant from the treasurer has been distrained by the sheriff of the said county, apprized and sold, for answering and paying into his maj^{ties}. treasury the sum of eighteen pounds eighteen shillings and fourpence, being the arrears of certain rates due from the said town of Salisbury during the time of said Allen's constablenesship, and it appearing by the report of a committee of this court that the selectmen of said town had not assessed part of the s^d sum upon their inhabitants, or not committed the same unto the constable to collect, so that so much was wrongfully exacted from the said Benjamin Allin, —

Resolved, That the sum of eleven pounds four shillings and eightpence be added unto the proportion of the town of Salisbury to the tax that shall be granted by this court to be collected therewith, and that the said Benjamin Allen do further pay into the treasury the sum of seven pounds and sixpence; on receipt of which sum of eighteen

* No copy of this letter has been discovered in the archives.

pounds five shillings and twopence, the treasurer be and is ordered to pay unto the persons that bought the said meadow the sum of nineteen pounds six shillings and threepence, and the meadow be thereupon discharged from the execution served thereon, and remain unto the said Allen as in his former estate, freed from all grants and incumbrances; and that s^d. Allen be also empowered by warrants from the treasurer to collect what is standing out from any of the inhabitants of Salisbury, their several proportions of the rates or assessments contained in the lists committed unto him. [*Approved June 22.*]

CHAPTER 21.

RESOLVE FOR ALLOWING FIFTEEN POUNDS FOR HIS SUBSISTENCE AND SURGEON'S FEES, TO NATHANIEL COLLINS OF BOSTON, A SICK AND LAME SOLDIER, RETURNED FROM THE KING'S SERVICE.

Resolved, That Nathaniel Collins, lately employed as a soldier in his majesty's service, and returned home sick and lame, be allowed fifteen pounds out of the publick treasury, for his subsistence and payment of the chirurgeon, to be paid to Capt. John Burrel of Lynn, to be improved for the ends aforesaid; said Capt. Burrel to be accountable to the treasury for the overplus, if any be. [*Approved June 22.*]

CHAPTER 22.

RESOLVE DECLARING THE DESIRE OF THE GENERAL COURT THAT ASSISTANCE BE RENDERED ACCORDING TO THE PROPOSAL OF JOHN BRIDGER, PURVEYOR OF NAVAL STORES, ETC., AND RECOMMENDING THAT A MILITARY GUARD BE ORDERED TO ATTEND HIM AND HIS COMPANIONS.

UPON CONSIDERATION of the Proposal made by m^r. John Bridgier One of the Purveyors of Naval Stores for his Ma^{ty}s Service that he may be assisted with some Souldiers as a Guard for his better Security, whilst viewing of the woods. This Court do declare themselves willing and ready to give all due Encouragement unto so necessary and useful a designe for the Honour and Service of the Crown of England; And y^t his Ma^{ty}s Expectations therein may be answered. And particularly

Resolved. That it be Recommended unto his Honour the Lieu^t. Govern^r and Commander in Chief to order a Guard to attend the said M^r. Bridgier and the other Gentⁿ in Commission with him as need may require when it shall be desire'd for the Occasion abovesaid within this Province/. [*Passed June 23.*]

CHAPTER 23.

RESOLVE FOR ALLOWING AND PAYING THREE HUNDRED POUNDS TO WILLIAM STOUGHTON FOR HIS SERVICES AS LIEUTENANT-GOVERNOR, ETC., IN THE YEAR 1697-8.

Resolved, That there be allowed and paid out of the publick Treasury the Sum of Three hundred pounds unto the Hono^{ble} William Stoughton Esq; for his Service as Lieut^{nt} Governour & Comander in Chief in and over this province the Year last past [*Approved June 25.*]

CHAPTER 24.

RESOLVE FOR ALLOWING AND PAYING FIFTY POUNDS TO INCREASE MATHER FOR HIS SERVICES AS PRESIDENT OF HARVARD COLLEGE IN THE YEAR 1697-8.

Resolved That there be allowed and paid out of the publick Treasury the Sum of fifty pounds unto M^r Increase Mather for his Service as president of Harvard Colledge in Cambridge the Year last past. [*Approved June 25.*]

CHAPTER 25.

VOTE FOR APPROVING AND ALLOWING THE PROVINCE TREASURER'S ACCOUNTS FROM MAY 22, 1697, TO MAY 30, 1698.

THE ACCOMPTS of M^r James Taylor, treasurer and receiver-general of this province, beginning the 22^d of May, 1697, and continued unto the 30th day of May, 1698, amounting unto the sum of thirty-two thousand ninety-nine pounds nine shillings and eleven pence, having been presented and laid before the house of representatives and inspected by the said house, by which it appears there was standing out on the said 30th day of May, of the several assessments, four thousand nine hundred forty pounds three shillings, and in the hands of the fermers of the duty's of the excise three hundred ninety-seven pounds three shillings and sixpence, as also of the duties of impost, etc. (as by acc^{ts} received from John Walley, Esq^r, commissioner), two thousand seven hundred twenty-seven pounds eleven shillings and fourpence, to be drawn into the treasury and further to be accompted for, —

Voted, That the said accompts, in the several articles of receipts and payments therein mentioned, amounting unto the sum of twenty-four thousand thirty-four pounds twelve shillings and one penny, be and hereby are approved and allowed of, and the said treasurer is hereby discharged of the said sum of twenty-four thousand thirty-four pounds twelve shillings and one penny. [*Approved June 25.*]

CHAPTER 26.

RESOLVE FOR AN ADDITIONAL ALLOWANCE OF SEVEN POUNDS TO ADDINGTON DAVENPORT FOR HIS SERVICES AS CLERK OF THE HOUSE OF REPRESENTATIVES.

Resolved in the house of Representatives that Mr Addington Davenport for his service as Clerke of this house besides what he hath Already Received for the year 1697 do Receive out of the Publicque Treasury of this Province the sume of seauen pounds

sent up to his Hon^r the L^d Gover^r & Council for Concurrence June 23^d 1698

25th June. Read in Council and Resolved a concurrence. [*Approved June 25.*]

CHAPTER 27.

ORDER FOR ALLOWING AND PAYING JAMES MAXWELL, FOR HIS SERVICES AS DOORKEEPER TO THE COUNCIL AND REPRESENTATIVES FROM DECEMBER 17, 1697, TO JUNE 8, 1698, AT THE RATE OF THIRTY POUNDS PER ANNUM.

Ordered That James Maxwell be allowed and paid out of the publick Treasury what remains due to him for his Service as Door keeper to the Council and House of Representatives from the Seventeenth day of Decemb^r last past unto the Eighth day of June currant after the rate of Thirty pounds p^p Annum : [*Approved June 25.*]

CHAPTER 28.

RESOLVE FOR ALLOWING TWO HUNDRED POUNDS TO JAMES TAYLOR, TREASURER OF THE PROVINCE, FOR HIS SERVICES IN THE YEAR 1697-8.

Resolved, That there be allowed and paid unto Mr James Taylor out of the publick treasury the sum of two hundred pounds, for his service as treasurer of this province the year last past. [*Approved June 27.*]

CHAPTER 29.

RESOLVE FOR ALLOWING AND PAYING EIGHTY POUNDS TO JOHN WALLEY FOR HIS SERVICES AS COMMISSIONER OF THE IMPOST IN THE YEAR 1697-8.

Resolved, That there be allowed and paid out of the publick treasury the sum of eighty pounds unto Maj^r John Walley, as commissioner for the impost for the year now last past. [*Approved June 27.*]

PROCLAMATION, ADDRESSES, VOTES, RESOLVES AND ORDERS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE FIFTEENTH DAY OF NOVEMBER, A.D. 1698.

CHAPTER 30.

VOTE AND PROCLAMATION APPOINTING THURSDAY THE FIFTEENTH
DAY OF DECEMBER, 1698, AS A DAY OF PUBLIC THANKSGIVING.

A BILL appointing of Thursday the 15th of December next to be kept
as a day of publick thanksgiving throût this province, was read and,—
Agreed unto by the whole court. [*Approved November 18.*]

By the Hon^{ble} the Lieut Governour Council and Assembly

THIS COURT taking into serious Consideration the many great and
signal Mercies of a Gracious God, bestowed upon a sinfull and Un-
deserving people, in sparing and proving of us one year more, notwith-
standing our manifold grievous Provocations, and wofull backwardness
in improving his repeated Judgments unto a thorow Reformation.
specially, in that He hath continued our civil and sacred Liberties
thus far; that He hath in an unexpected manner afforded us a plentiful
Harvest after several years of scarcity; that He hath continued such
measures of Health among us, and prevented a contagious mortal Dis-
temper from breaking in upon us when it twice threatened us in the
summer past; that He hath so far given check to the Rage of our
Heathen Adversaries; that He hath succeeded the Undertakings of our
Sovereign Lord the King and made Him the happy Iustrument of an
honorable Peace after so many years of a consuming War; that He
hath put it into his royal heart to engage in and strenuously to pursue
Reformation; that under his conduct the three Kingdoms with the
Dispersions of them doe enjoy the free Liberty of the True Religion,
whilest the Faithfull in *France*, *Piedmont*, and other places, are suffer-
ing horrible Persecution for the Truth: Besides innumerable more
Kindnesses of our Mercifull God calling us to signalize our Gratitude
unto Him Therefore it is

Ordered, and this Court doth hereby Order & appoint that *Thursday*
the fifteenth of *December* next be kept as a Day of solemn Thanks-
giving through out this Province; And that the Ministers & People
address themselves to this Heavenly Employment in such a manner, as
that an acceptable Sacrifice of Praise may be offered to God through
Jesus Christ. And all servile labour is hereby forbidden upon s^d Day,

Given at Boston the 18th day of Nov^r 1698. In y^e Tenth year of
his Ma^{ty}s Reign. —

CHAPTER 31.

DRAUGHT OF AN HUMBLE REPRESENTATION AND ADDRESS TO THE KING, RESPECTING THE CLAIMS OF THE FRENCH TO THE EXCLUSIVE RIGHT OF FISHERY ON THE COAST OF NOVA SCOTIA, AND TO THE EXTENSION OF THE BOUNDS OF ACADIA TO THE KENNEBEC RIVER; AND THE VOTE APPROVING OF SAID DRAUGHT AND DIRECTING THAT IT BE TRANSCRIBED, SIGNED AND FORWARDED.

A REPRESENTATION AND ADDRESS unto his majesty, relating to the pretensions made by the French to the sole right of fishing on the coasts of Accadia or Nova Scotia, and to extend their bounds of that country westward to the river of Kennebeck, was drawn up, read, and, —

Agreed, To be fairly transcribed and signed by his honour the lieutenant-governour, the secretary and Mr. Speaker, and then forwarded by his majesty's ship, Deptford, now ready to sail for England. [*Approved November 19.*]

To the Kings most Excellent Ma^{ty}

THE HUMBLE REPRESENTATION AND ADDRESS of the Lieu^t Governour and Com^{mander} in chief, Council & Assembly of your Ma^{ty}s Province of the Massachusetts Bay in New England —

Illustrious & dread Sovereign

Having been informed of y^e Insults of the French in their ungrounded & unreasonable pretensions and demand lately made to the sole right and benefit of Fishing in the high seas on the Coast of Accadie or Nova Scotia, and parts adjacent. Forbidding your Ma^{ty}s Subjects to take any Fish upon those Banks at the peril of having their Vessels and Ladeing seized and made prize of (some of which have this last summer been interrupted by them in their s^d Employment) ; Pretending also to extend their Boundaries of that Countrey a considerable way westward into the main Land within this your Ma^{ty}s Province as far as to y^e River of Kennebeck.

And having had before us the Representations already made on this occasion by the Lien^t Governour & Com^{mander} in chief of this your Ma^{ty}s Province (in the vacancy of the General Assembly) unto the R^t Hon^{ble} the Lords Commissioners of the Council for Trade and Plantations by them to be reported unto your Ma^{ty}.

We testify our approbation thereof, and, in duty unto your Ma^{ty} and faithfulness to the Trust reposed in us, We crave leave humbly to subjoyne thereto & represent unto your Ma^{ty} the sense we have how much your Ma^{ty}s honour and Interests, as well as the peace and prosperity of your Ma^{ty}s subjects within these your Territories (in so near a Neighbourhood to y^e French) are concerned therein and how highly necessary it is, in order to the preservation of both, vigorously to assert the ancient and hitherto uncontroverted limits and extent of this Your Ma^{ty}s Dominion and the undoubted right and privilege of Your Ma^{ty}s subjects to fish in those Seas, as they have been used time out of mind. For, should any Concessions be made unto the French in their groundless pretexts and Claims as afores^d; Many of your Ma^{ty}s good subjects would be ousted of their ancient Settlements & possessions in that Countrey subdued and planted by their hard labour, and at great Cost and Expence ; The Indians will be obliged to adhere firmly unto the French Interests, and upon all occasions be invading and annoying of the English Plantations ; Your Ma^{ty}. will be deprived of a supply of Naval stores, wherewith that Countrey do's so plenti-

fully abound (the other parts more westward being almost exhausted thereof). And should your Ma^{ty}s subjects be denied the benefit of the Fishery. Your Ma^{ty}s Revenue will be greatly endamaged thereby; Considerable quantitys of Bullion will be hindred from coming into your Ma^{ty}s Kingdoms, Trade and Navigation much ruined, a multitude of Familys cut off from the means of their subsistance, and a nursery for the training up of seamen to serve in your Ma^{ty}s Royal Navy will be dissolved, and the consequences of the French obtaining their pretensions will be so fatal, as probable to cause the utter Subversion of a great part of this Your Ma^{ty}s Province, which is more particularly set forth in the Memorials accompanying the before mentioned Representation, over large to be here exprest

We most humbly pray That your Ma^{ty} will be graciously pleased to take the premisses under your Royal Consideration, and to give speedy Check unto the bold Insolencies of the French by vindicating and asserting your Ma^{ty}s just right and Title unto these your Dominions & every part thereof, and by maintaining and defending your Ma^{ty}s good Subjects in the peaceable enjoyment and exercise of their ancient and indubitable priviledge of Fishing in the seas off the Coast of Accadie or Nova Scotia and parts adjacent. And that your Ma^{ty}s Sacred person and Government may alwayes be under Divine Protection and the benign Influences of Heaven Is also the most ardent and constant prayer of

Royal S^{ts}

Your Ma^{ty}s Loyal & dutiful subjects

Boston November 19th 1698

Signed.

W^m STOURGTON.

In the Name & by Order of y^e Council :

Is^a ADDINGTON Sec^{ry}

In the Name & by order of the Assembly.

NATH^a BYFIELD Speak^r

CHAPTER 32.

DRAUGHT OF AN ADDRESS TO THE EARL OF BELLOMONT, TO URGE HIS SPEEDY ASSUMPTION OF THE OFFICE OF GOVERNOR OF THE PROVINCE, ETC., AND THE VOTE APPROVING OF SAID DRAUGHT.

AN ADDRESS from this court unto his excellency the earle of Bellomont, praying his lordships* to hasten his coming to the exercise of his government within this province, so soon as his maj^{ty}s service will dispen-
 cence with his lord^{sh}s leaving the province of New Yorke, and the season of the year admitt of his undertaking so long a journey, being, —

Voted, In the house of representatives, and sent up, was read and agreed unto. [*Approved November 22.*]

To his Ex^cy Richard, Earle of Bellomont, Captain General and Governo^r in Chief of his Ma^{ty}s Province of the Massachusetts Bay &c^a

THE ADDRESS of the L^t Gov^r Council & Assembly of the s^d Province
 R^t Hono^{ble}

The Beleife and well grounded assurance we have of enjoying great happiness under your Ex^cy^s Adm^{cons} and good rule over his Ma^{ty}s Sub-
 jects within this Province (whereto his Ma^{ty} has been graciously

* *Sic.*

pleased to appoint you) makes us the more impatient that our hopes are so long deferred of yo^r Lord^{ps} coming unto us; which we have with passionate desires expected more especially from the time of yo^r Lord^{ps} arrival so neer us.

We crave leave to renew our Applications That yo^r Ex^{ty}. will be pleased to Favour this Province with your Presence so soon as his Ma^{ty}s Service may dispense wth yo^r Ex^{ty}s. leaving the Province of New yorke, and the Season of the year comfortably admit your undertaking so long and difficult a Journey. . Assuring yo^r Ex^{ty}. That we shall at all times studiously apply our Selves to have all due regard to the promoting and advancem^t of his Ma^{ty}s Interests in the Good of his Subjects which we are confident will be very agreeable to that innate Loyal disposition wherewith yo^r Lord^p is so Enobled.

CHAPTER 33.

VOTE OF THANKS TO JOHN NELSON FOR HIS SERVICES DURING THE NEGOTIATION OF THE TREATY OF PEACE WITH FRANCE, IN MEMORIALIZING THE COUNCIL FOR TRADE AND PLANTATIONS IN FAVOR OF THE PEOPLE OF THIS PROVINCE RELATIVE TO THEIR RIGHT OF FISHERY AND THE BOUNDARIES OF ACADIE.

In the House of Representatives

THIS HOUSE haveing had the perusal of some memorials presented By m^r John Nelson unto the Right Hon^{able} the Lords Commission^{rs} of the Council for trade and Plantations, at y^e time of the late treaty of Peace wth france, in Favor of this Country, with Respect to the Secureing unto his Maj^{ty}s subjects here, the Priviledge & Benifitt of Their Fishery on the Coast of Accadie & Nova Scotia, and asserting of the Antient Boundarys, Betwixt that Country (in y^e Possession of the French) and this his Maj^{ty}s Territory; are sensible of the good service of the Said M^r Nelson on that occation, And move that the thanks of this Court may be given him, for his Care & paines taken therein;

voted & sent up to the Hon^{able} the L^t Gouver^r & Councill for their Concurrence

die p^{re}dict. Read in Council and Voted in concurrence wth y^e Representatives. [*Passed November 22.*]

CHAPTER 34.

RESOLVE REFUSING THE PRAYER OF THE INHABITANTS OF SALEM VILLAGE FOR THE APPOINTMENT OF A COMMITTEE TO SETTLE THE BOUNDS BETWEEN SAID VILLAGE AND TOPSFIELD. [*Passed November 23.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 35.

VOTE FOR GRANTING THREE HUNDRED ACRES OF VACANT LAND TO WILLIAM HABBERFIELD OF BOSTON AS A REWARD FOR HIS INSTRUCTING MANY PERSONS IN THE ART OF CLOTH-WORKING.
[*Approved November 23.*

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 36.

RESOLVE FOR ALLOWING TWELVE POUNDS PER ANNUM OUT OF THE PROVINCE TREASURY, FOR TWO YEARS, TOWARDS THE MAINTENANCE OF A MINISTER AT DUNSTABLE.

Vpon PETITION of the Inhabitants of Dunstable

Resolved That there be allowed to the s^d Inhabitants out of the Publick Treasury, Twelve pounds ~~p~~ Annun for two Years, towards maintaining an Orthodox Minister settled among them [*Approved November 24.*

CHAPTER 37.

RESOLVE FOR ALLOWING TWENTY POUNDS OUT OF THE PROVINCE TREASURY TOWARDS THE SUPPORT OF A MINISTER AT BROOKFIELD FOR ONE YEAR TO COMMENCE FROM THE TIME OF HIS SETTLEMENT.

IN ANSWER to the petition of the inhabitants of Brookfield, —

Resolved, That there be twenty pounds paid out of the publick treasury of this province, towards the support of an orthodox minister for one year, to commence from the time of the settlement of such a minister amongst them. [*Approved November 24.*

CHAPTER 38.

RESOLVE FOR ALLOWING SIX POUNDS TO EBENEZER PROUT AS FULL COMPENSATION FOR ALL HIS SERVICES AS CLERK OF THE HOUSE OF REPRESENTATIVES.

Resolved That M^r Ebinezar Prout be allowed Six pound out of the Publick Treasury of this Province, as a full compensation for all his service In this House, as Clarke —

Nov^r 19th 1698 In the House of Representatives, And sent up for Concurrence

Nov^r 25th Read in Council and Vot^d a concurrence wth y^e Representatives. . [*Approved November 25.*

CHAPTER 39.

ORDER APPOINTING A COMMITTEE AT THE EXPENSE OF THE PROPRIETORS OF DARTMOUTH TO INQUIRE AND REPORT INTO THE GRANTS OF THE ASSEMBLY, AND INDIAN PURCHASES, AFFECTING THE BOUNDARY LINES BETWEEN DARTMOUTH, LITTLE COMPTON AND TIVERTON, AND FOR NOTIFYING THE SELECTMEN OF LITTLE COMPTON AND TIVERTON OF THE TIME AND PLACE OF THE MEETING OF SAID COMMITTEE TO BE APPOINTED BY A MEMBER.
[*Approved November 25.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 40.

RESOLVE FOR ALLOWING AND PAYING TWENTY-TWO POUNDS TO BENJAMIN WRIGHT AND THIRTEEN OTHERS, RESIDENTS OF HAMPSHIRE COUNTY, FOR THEIR SERVICES IN PURSUING THE INDIANS AT THE TIME OF THE ATTACK UPON HATFIELD, IN JULY, 1698, AND FOR KILLING AN INDIAN, AND RECOVERING CAPTIVES.

Resolved, That there be allowed and paid out of the public treasury unto the several persons hereunder named, belonging unto the county of Hampshire, for their service in pursuit of the Indians, at the time of their making an attack on the town of Hatfield, in July last, killing one of the Indians, and recovering of the captives by them taken, the respective sums following; viz^t, to Benjamin Wright, three pounds; Benj^a. Stebbins, Jonathan Taylor, Thomas Wells, Benoni Moor, Ebenezer Stebbins and Nathaniel Pomroy, forty shillings each; Corporal Nathaniel Gillet, Benjamin King, Jonathan Brooks, Samuel Root, Joseph Peltz, Joseph Clesson and Henry Dwight, twenty shillings each; in the whole, twenty-two pounds. [*Approved November 29.*]

CHAPTER 41.

RESOLVE AND ORDER FOR ABATING HIS NEXT YEAR'S EXCISE TO HENRY COOKERY OF CHARLESTOWN, ALEHOUSE-KEEPER, AND FOR ALLOWING THE AMOUNT TO THE FARMER OF THE EXCISE.

Resolved and ordered, That Henry Cookery of Charlestown, alehouse-keeper, in respect of sickness, being deprived of the use of his limbs, and on other condition, be abated his excise upon his draught for the year ensuing, and to be allowed unto the farmer. [*Approved November 29.*]

CHAPTER 42.

ORDER APPOINTING A COMMITTEE AT THE EXPENSE OF THOMAS HOW OF MARLBOROUGH, PETITIONER, TO VIEW CERTAIN LAND LYING BETWEEN THE BOUNDS OF MARLBOROUGH, SHERBURNE, AND WOOLSON'S FARM, TO INQUIRE INTO THE CLAIM THERETO OF JOSEPH ROBINSON, AN INDIAN, AND TO REPORT THEREON AT THE NEXT SESSION OF THE ASSEMBLY. [*Approved November 29.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 43.

ORDER, ON THE PETITION OF THE SELECTMEN OF TISBURY, DIRECTING THE PROVINCE TREASURER TO ISSUE A WARRANT FOR COLLECTING TWELVE POUNDS ASSESSED ON SAID TOWN IN THE PROVINCE TAX OF 1697, AND PAID BY THE PETITIONERS OUT OF THEIR OWN ESTATE, THAT THE SAME BE PAID TO SAID SELECTMEN, TO REIMBURSE THEM.

IN ANSWER to the petition of John Eddy, John Pease and Samⁿ. Merry, selectmen of Tisbury, praying that they may be enabled, by some act of this court, to recover twelve pounds of the town of Tisbury, recovered from them of their own proper estate, to answer the said town's proportion to the assessment of £6,000, 10., upon polls and estates, granted in the year 1697, —

Ordered, That there be a warrant issued out from the treasurer to the former constable, Joseph Dagget, for the gathering of the said rate of twelve pounds, according to the assessment thereof already made, and to pay the same to the s^d. selectmen, who shall also receive twenty shillings more, to be paid them out of the town treasury, for their charge and trouble. [*Approved November 29.*]

CHAPTER 44.

RESOLVE APPOINTING A COMMITTEE TO EXAMINE INTO THE QUANTITY AND CIRCUMSTANCES OF THE TRACT OF LAND CALLED NASHOBA, AND TO REPORT THEREON AT THE SESSION OF THE ASSEMBLY IN MAY, 1699; AND FOR LAYING OUT IN SAID TRACT THE ONE THOUSAND* ACRES GRANTED TO SIR HENRY ASHURST. [*Approved November 29.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

* In both copies of the record this is erroneously written "one hundred."

CHAPTER 45.

RESOLVE FOR ALLOWING TO ELISHA HUTCHINSON AND JOHN WALLEY FIVE POUNDS EACH, BESIDES THEIR EXPENSES, FOR THEIR SERVICES AS COMMISSIONERS FOR FARMING THE EXCISE.

Resolved, That Elisha Hutchinson and John Walley, Esq^{rs}, be allowed out of the publick treasury five pounds each (besides four pounds and tenpence* and tenpence charges), for their trouble and service in farming out the excise, being specially impowred and commissioned thereto. [*Approved November 30.*]

CHAPTER 46.

VOTE FOR SENDING A VESSEL TO KENNEBEC RIVER TO PROCURE THE SUBMISSION OF THE INDIANS AND TO TREAT WITH THEM FOR THE RECOVERY OF CAPTIVES, ETC.; ALSO TO CONVEY THITHER THE INDIAN PRISONERS AT BOSTON, TO BE LIBERATED UPON THE RELEASE OF WHITE CAPTIVES AND THE SUBMISSION OF THE INDIANS TO THE CROWN.

PROPOSED, That a suitable Vessell be forthwith taken up for his Ma^{ty} Service. And that John Phillips Esq^r and Maj^r Ja. Converse be desired to undertake a Voyage in such Vessell unto Kennebeck River to Endeavour Speech with the Indians of that River and parts adjacent, and to Negotiate with them for the recovery of our Captives in their hands and to bring them to a new Recognition of their Submission and Obedience unto the Crown of England, agreeable to Instructions to be given unto the s^d Commissioners by the Commander in Chief with the advice of the Council. And that Bombazeen and the two other Indians in Prison be sent in the Same Vessell; and kept safely until such Submition be made and all our Captives be delivered, and then the s^d Indians to be set at liberty. Past in Council and sent down for concurrence. Nov^r ult. 1698.

voted In y^e house of Representatives a Concurrence [*Passed November 30.*]

CHAPTER 47.

RESOLVE FOR ALLOWING EIGHTEEN POUNDS NINE SHILLINGS AND ONE PENNY TO CALEB RAY, KEEPER OF THE GAOL IN BOSTON, IN FULL OF HIS ACCOUNT FOR KEEPING THE INDIAN PRISONERS FROM JUNE 3 TO NOVEMBER 18, 1698.

Resolved, That Caleb Ray, keeper of his maj^{tie}'s goal in Boston, be allowed out of the public treasury the sum of eighteen pounds nine shillings and one penny, in full of his accompt for keeping of the Indian prisoners from the 3^d of June to the 18th of November last past. [*Approved December 1.*]

* *Sic.*

CHAPTER 48.

ORDER FOR ALLOWING FORTY POUNDS TO JOSEPH HAWLEY AND JOSEPH PARSONS FOR THEIR SERVICES AND THE EXPENSES OF THEMSELVES AND THEIR ESCORT IN A JOURNEY TO ALBANY IN THE SERVICE OF THE PROVINCE.

Ordered That M^r Joseph Hawley & M^r Joseph Parsons be allowed out of the Publick Treasury of this Province thirty three pound twelve shillings for their and y^r companies expense, and six pound eight shillings for their trouble In journeying to Albany [*Approved December 1.*

CHAPTER 49.

ORDER FOR PAYING THIRTY POUNDS TO CAPTAIN TIMOTHY CLARKE AS FULL COMPENSATION FOR HIS SERVICES AT THE FORT IN BOSTON FROM THE DATE OF HIS COMMISSION TO THE PROCLAMATION OF PEACE, ETC.

Ordered That Cap^t Tim^e Clarke shall receive Fivety pound out of the Publick Treasury of this Province as a full compensation for his trouble and expence in looking after the Fort of Boston from y^e time of the date of his Comission rec^d from his Hon^r the L^d Gov^r to the publication of the peace; the same not to be a president for the future

Nov^r 30th 1698 In the House of Representatives and sent up for Concurrence

die p^{re}dict √. Read In Council & voted for the allowance of Thirty pounds provided it be for the whole time of Service & Expence

p^{re}m^e Decembr. voted a Concurrence [*Approved December 1.*

CHAPTER 50.

RESOLVE FOR PAYING ONE HUNDRED POUNDS TO JOHN NELSON FOR HIS SERVICES IN GETTING TOGETHER THE FRENCH PRISONERS AND REDEEMING THE CAPTIVES, ETC.

IN ORDER to the Reimburseing of M^r John Nelson y^e money expended by him in Getting the French Prisoners, & Redeemeing the Captives, and other his Good Service for this his Maj^{ties} Province

Resolved that there be one hundred pounds in money paid unto the said Mr John Nelson out of the Publick Treasury of this Province. [*Approved December 3.*

CHAPTER 51.

ORDER FOR ALLOWING TO INCREASE MATHER, PRESIDENT OF HARVARD COLLEGE AT CAMBRIDGE, A SALARY OF TWO HUNDRED POUNDS PER ANNUM, ETC., AS AN ENCOURAGEMENT FOR HIS REMOVAL THITHER.

UPON CONSIDERATION of the state of the colledge, and for encouragement unto the Reverend M^r Increase Mather, presid^t, to remove and take up his residence there, —

Ordered, That the said president have a salary of two hundred pounds money, per annum, allowed him out of the public treasury, from the time of his removal, during his residence at the colledge. [*Approved December 7.*]

CHAPTER 52.

ORDER REFERRING TO THE NEXT SESSION OF THE GENERAL COURT THE PETITION OF THE SELECTMEN OF BOXFORD PRAYING THAT THE FARMS OF ENDICOTT AND GOULD MAY BE THERE ASSESSED FOR MINISTERIAL RATES AND OTHER CHARGES, AND PROVIDING THAT THE TOWN OF TOPSFIELD BE NOTIFIED THEREOF. [*Approved December 7.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 53.

ORDER FOR ALLOWING FIFTEEN POUNDS OUT OF THE PROVINCE TREASURY, TO THE INHABITANTS OF BERWICK, TOWARDS THE MAINTENANCE OF THE MINISTRY THERE FOR ONE YEAR BEGINNING SEPTEMBER, 1698.

Ordered That the Inhabitants of Berwick be allowed fiveteen pound out of the Publick. Treasury of this Province, to be employed towards the maintenance of their ministry for this year beginning In Sept^r last [*Approved December 7.*]

CHAPTER 54.

RESOLVE FOR PAYING ELEVEN POUNDS TWELVE SHILLINGS AND SIXPENCE TO JOHN WOODCOCK OF ATTLEBOROUGH, INNKEEPER, FOR ENTERTAINING CAPTAIN THOMAS PRENTIS AND HIS TROOP ON THEIR JOURNEY TO AND FROM BRISTOL IN THE YEAR 1689.

Resolved — That M^r John Woodcock be paid the Eleven pound twelve shillings and six pence petitioned for Out of the Publick Treasury of this Province [*Approved December 7.*]

CHAPTER 55.

RESOLVE DECLARING THAT THE CLAIM OF THOMAS HINCKLEY AGAINST THE PROPRIETORS OF LANDS IN SECONET IS A MATTER PROPER FOR THE JUDICIAL COURTS, AND THAT THERE BE NO FURTHER HEARING ON HIS PETITION PRAYING THAT TWO HUNDRED ACRES OF LAND NEAR SAID PLACE MAY BE LAID OUT TO HIM ACCORDING TO A FORMER GRANT.* [*Passed December 8.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 56.

ORDER FOR GRANTING TEN POUNDS TO THE REVEREND JOHN ROGERS FOR HIS SERVICES AS CHAPLAIN TO THE COMMITTEE APPOINTED TO WAIT UPON THE EARL OF BELLOMONT AT NEW YORK.

WHEREAS the reverend M^r John Rogers did goe in the quality of a Chaplain wth Wait Winthrop, Elisha Cooke & Penn Townsend Esq^rs to New Yorke, In their late Journey thither, in the service of this Province

Ordered That the said M^r John Rogers do receive for his good service therein Out of the Publick Treasury of this Province Tenn pounds money — [*Approved December 8.*]

CHAPTER 57.

ORDER FOR ALLOWING AND PAYING FORTY POUNDS, EACH, TO THOMAS DANFORTH, WAIT WINTHROP, ELISHA COOKE, AND SAMUEL SEWALL, JUSTICES OF THE SUPERIOR COURT, ETC., FOR THEIR SERVICES FOR ONE YEAR ENDING DECEMBER, 1698.

Ordered That there be allowed and paid out of y^e Publick Treasury of this Province, to the Honourable Thomas Danford, Wait Winthrop Elisha Cooke & Samuel Sewall Esq^r Justices of the Sup^r Court of Judicature for their service therein Fourty pounds to each of y^m as their Sallary for the last year, [*Approved December 10.*]

* See *ante*, order, chapter 8.

CHAPTER 58.

RESOLVE FOR ALLOWING EIGHTY POUNDS TO ISAAC ADDINGTON, SECRETARY OF THE PROVINCE, FOR HIS EXTRAORDINARY SERVICES IN THE YEAR 1697-8.

Resolved, That Mr Isaac Addington, secr^y, in consideration of his extraordinary service, be allowed and paid out of the publick treasury of this province eighty pounds money for this year. [*Approved December 10.*]

CHAPTER 59.

ORDER FOR PAYING TWO HUNDRED POUNDS TO JOHN WALLEY FOR HIS SERVICES AS COMMISSIONER OF WAR AND ON DEBENTURES, FROM THE SIXTH DAY OF APRIL, 1697, TO THE FIRST DAY OF MARCH, 1698-9, AND AS COMMISSIONER OF IMPOST, FROM JUNE 27 TO THE SAME DATE, UPON HIS MAKING UP HIS ACCOUNTS, ETC.

Ordered That Maj^r John Walley, On consideration of his service as Commiss^r of the Warr & debentures from the sixth of April 1697 to the first of March next And for Com^{missioner} of the Impost from June 27th to March 1st upon making up his Acco^{ts} In all those stations, That there be paid him out of the Publick Treasy of this Province Two hundred pounds — [*Approved December 10.*]

CHAPTER 60.

RESOLVE FOR ALLOWING AND PAYING FORTY POUNDS TO EPHRAIM SAVAGE FOR HIS SERVICES AS COMMISSIONER OF DEBENTURES, FROM JULY, 1697 UNTIL ALL SOLDIERS ABOUT TO BE DISBANDED RECEIVE THEIR DEBENTURES.

Resolved That Cap^t Ephraim Savage be allowed and paid forty pounds, for his care and trouble, as Com^{missioner} of Debent^s from July 1697 till such time as all the Sould^{rs} now to be disbanded have debentures given them [*Approved December 10.*]

CHAPTER 61.

ORDER FOR ALLOWING EIGHTEEN POUNDS TO CYPRIAN SOUTHACK FOR HIS SERVICE TO THE PROVINCE AND FOR THE PLAN PRESENTED BY HIM TO THE ASSEMBLY, TO BE EXPENDED IN THE PURCHASE OF A PIECE OF PLATE FOR HIMSELF.

Ordered That Cap^t Syprian Southark for his good service to this Province: and the draught presented to this Court, be allowed eighteen pounds (to buy him a peece of plate,) out of y^e Publick Treasury of this Province — [*Approved December 10.*]

CHAPTER 62.

ORDER FOR ALLOWING TWELVE POUNDS TEN SHILLINGS TO ADDINGTON DAVENPORT, FORMERLY CLERK OF THE HOUSE OF REPRESENTATIVES, UPON HIS FINISHING THE WORK OF THE FORMER SESSIONS.

Ordered That Addington Davenport the former Clarke of this House upon his finishing the worke of the former sessions, be paid Twelve pound tenn shillings out of the Publick Treasury of this Province

Dec^r 9th 1698 In the House of Representatives And sent up for Concurrence

Dec^r 10th 1698. Read in Council and Voted a concurrence [*Approved December 10.*]

CHAPTER 63.

ORDER FOR ALLOWING TWELVE POUNDS TEN SHILLINGS TO WILLIAM PAYNE, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES UNTIL MARCH, 1698-9.

Ordered That W^m Payne the present Clarke be allowed and paid Out of the Publick Treasury of this Province Twelve pound tenn shillings for his service till March next [*Approved December 10.*]

CHAPTER 64.

ORDER FOR ALLOWING AND PAYING FIFTEEN POUNDS TO JAMES MAXWELL FOR HIS SERVICES AS DOORKEEPER TO THE COUNCIL AND REPRESENTATIVES FOR SIX MONTHS, FROM JUNE 8, 1698.

Ordered That James Maxwel for his care & service, In attendance on this Court, the last halfe year, be paid, out of the Province Treasury, fiveteen pound. [*Approved December 10.*]

CHAPTER 65.

ORDER FOR ALLOWING TWO POUNDS TO HENRY EMMES, MESSENGER OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES IN THAT OFFICE.

Ordered That Henry Emes Baker be paid Two pounds out of y^e Publick Treasury of this Province, for his service done for this House
Dec^r 9th 1698 In the house of Representatives And sent up for Concurrence

Read in Council and Vot^d a concurrence [*Approved December 10.*]

CHAPTER 66.

RESOLVE FOR PAYING TO SUNDRY PERSONS THE VALUE OF UNENDORSED BILLS OF PUBLIC CREDIT BROUGHT INTO THE TREASURY BY THEM.

Resolved, That six pounds seven shillings in unendorst bills of credit, laid before this court, by M^r. Treasurer five pound seventeen shillings, and M^r. Atkinson ten shillings, be made good to the persons to whom they do belong. [*Approved December 10.*]

CHAPTER 67.

RESOLVE FOR PAYING FOUR POUNDS TWO SHILLINGS AND THREE-PENCE TO TWO INDIANS OF DARTMOUTH FOR THEIR SERVICES AS SOLDIERS IN THE YEAR 1696.

UPON READING the petition of Seth Pope of Dartmouth, on behalf of Sam. Quabiscom al^s. Sam Nopye and Job Penwatcheage, two Indians, belonging to said Dartmouth, employed as souldiers in his maj^{ties}. service in the year 1696, praying that payment may be ordered of two pounds four shillings and fourpence to the s^d. Sam. Nopye, and one pounds seventeen shillings and eleven pence to the said Job Penwatcheage, which sum^s are due unto y^m. respectively for their said service,—

Resolved, That the s^d. Sam. Quabiscom al^s. Nopye and the s^d. Job Penwatcheage be paid out of the public treasury the respective sum^s before mentioned. [*Approved December 10.*]

CHAPTER 68.

RESOLVE ON THE PETITION OF SETH PERRY AND SAMPSON MOORE, CREDITORS OF ANN THE WIFE OF WILLIAM ESSETT, DECEASED, FOR AUTHORITY TO SELL HER HOUSE AND LAND IN BOSTON, REFERRING THE PETITIONERS TO THE SUPERIOR COURT OF JUDICATURE.

UPON READING the petition of Seth Perry and Sampson Moore (in right of his wife), two of the chief creditors to the estate left by the wife of William Essett, decēd, praying that some meet person may be authorized and empowered to make sale of the house and land in Boston left by the said Essett, for the payment of the debts due to the petitioners and other her creditors, contracted in a long and tedious sickness,—

Resolved, That the petitioners be referred to the law of this province, that provide in that case; viz^t, that application be made to the superiour court of judicature. [*Approved December 10.*]

CHAPTER 69.

RESOLVE FOR ALLOWING A DRAWBACK ON RUM AND WINE SHIPPED BY PENN TOWNSEND AND ANDREW BELCHER, THE CERTIFICATES OF PAYMENT OF ENTRY DUES ON THE SAME BEING LOST

UPON READING the petition of Penn Townsend and Andrew Belcher, in behalf of themselves and others, setting forth that whereas they have shipt off some quantity of rhum and wine which hath paid the whole entry, but the certificates that were endorsed being lost, either by the officer or themselves, so that they loose the benefit of the drawback, praying that the same being by oath or otherwise made to appear to the commissioner, he may be ordered to allow the drawback of the same, —

Resolved, That the commissioner be and hereby is directed to allow the drawback as petitioned for. [*Approved December 10.*]

CHAPTER 70.

ORDER DIRECTING THE PROVINCE TREASURER, UPON EXAMINATION OF VOUCHERS, ETC., TO PAY ACCORDING TO THE CUSTOMARY RULE, UNTIL FURTHER ORDER THE SEVERAL CAPTAINS OF THE FORTS, AND OF THE PROVINCE GALLEY, AND ALL SEAMEN AND SOLDIERS IN THE SERVICE OF THE PROVINCE.

Ordered That from and after the first of March next The Treasurer of this Province upon receiving and examining the certificates of the several Captains of the Castle, Saco ffort, Province Gally, seamen & all other souldiers that may be imployed in the service of this Province; and finding the same to be right, shall pay them (according to the rules accustomed) out of the Province Treasury: untill this Court shall take further care about it [*Approved December 10.*]

VOTES, ORDERS,
DRAUGHT OF AN ADDRESS,
RESOLVES, ETC.,

PASSED 1699-1700.

LEGISLATIVE LIST

FOR

1699-1700.

HIS EXCELLENCY RICHARD, EARL OF BELLOMONT,*

CAPTAIN-GENERAL† AND GOVERNOR-IN-CHIEF IN AND OVER THE PROVINCE OF THE MASSACHUSETTS BAY, AND THE KING'S LIEUTENANT AND COMMANDER-IN-CHIEF OF THE MILITIA AND OF ALL THE FORCES BY SEA AND LAND WITHIN THE COLONIES OF CONNECTICUT, RHODE-ISLAND, PROVIDENCE PLANTATIONS, THE NARRAGANSETT COUNTRY‡ OR KING'S PROVINCE, IN NEW ENGLAND, AND OF ALL FORTS AND PLACES OF STRENGTH WITHIN THE SAME. .

WILLIAM STOUGHTON, ESQ.,
LIEUTENANT- OR DEPUTY-GOVERNOR, ETC.§

ISAAC ADDINGTON, ESQ.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.¶

Of the inhabitants of, or proprietors of, lands within the territory formerly called the Colony of the Massachusetts Bay:—

WILLIAM STOUGHTON, ESQ.,
THOMAS DANFORTH, ESQ.,
JOHN PYNCHON, ESQ.,

WILLIAM BROWNE, ESQ.,
JOHN PHILLIPS, ESQ.,
JONATHAN CORWIN, ESQ.,

* A report of the appointment of Bellomont to the office of governor reached Boston as early as 1695. — See Sewall's Diary under date of Aug. 25 and Sept. 20, that year; vol. I., pp. 411, 413. His commission bears date June 18, 1697; and his instructions were prepared the thirty-first of August, following. He arrived off Sandy Hook, on his way to his government in New York, April 1, 1698, and was "received magnificently," in the city on the following day. He reached Boston on the twenty-sixth of May, 1699, and on that day took the official oaths and subscribed the association, his commission having been first duly read and published. By his direction the Lieutenant-Governor administered the official oaths to the members of the Council, and the representatives were sworn by four members of the Council, including the Secretary, appointed for that purpose by the Governor.

† This is his title in his commission; but in his instructions he is styled king's lieutenant. The title assumed by him in his first proclamation was "Captain-General and Governor-in-chief of his majesty's provinces of the Massachusetts Bay, New York, etc., and of the territories thereon depending, and Vice-Admiral of the same."

‡ By the thirtieth clause of his instructions it was directed that, in time of peace, the militia of Connecticut, Rhode Island, etc., be left to their respective governors.

§ For the full title see pp. 5, 71, *ante*, and notes. The Governor's commission conferred authority upon the Lieutenant-Governor, in the following words: "We do hereby give and grant . . . in your absence, to our Lieutenant-Governor or Commander-in-chief of our Province of the Massachusetts Bay, all and every the like powers as in these presents are before granted and recited for the ruling, etc." This clause is the only commission to the Lieutenant-Governor that has been discovered.

¶ All the councillors except Appleton appeared and were sworn on the first day of June, the oaths being administered by the Lieutenant-Governor. The latter, and Councillor Appleton were sworn before the Governor, on the day following.

| | |
|--------------------------|------------------------|
| WAIT WINTHROP, ESQ., | ISAAC ADDINGTON, ESQ., |
| JAMES RUSSELL, ESQ., | JOHN FOSTER, ESQ., |
| ELISHA COOKE, ESQ., | PETER SERGEANT, ESQ., |
| JOHN HATHORNE, ESQ., | JOHN WALLEY, ESQ., |
| ELISHA HUTCHINSON, ESQ., | DANIEL PEIRCE, ESQ., |
| SAMUEL SEWALL, ESQ., | PENN TOWNSEND, ESQ., |
| JOHN APPLETON, ESQ. | |

Of the inhabitants of, or proprietors of, lands within the territory formerly called New Plymouth:—

| | |
|-------------------------|-------------------------|
| BARNABAS LOTHROP, ESQ., | NATHANIEL THOMAS, ESQ., |
| JOHN THACHER, ESQ., | JOHN SAFFIN, ESQ., |
| NATHANIEL BYFIELD, ESQ. | |

Of the inhabitants of, or proprietors of, land within the territory formerly called the Province of Maine:—

| | |
|---------------------------|---------------------------|
| SAMUEL WHEELWRIGHT, ESQ., | ELIAKIM HUTCHINSON, ESQ., |
| JOSEPH HAMMOND, ESQ. | |

Of the inhabitants of, or proprietors of, land within the territory lying between the river of Sagadahoc and Nova Scotia:—

JOSEPH LYNDE, ESQ.

REPRESENTATIVES OR DEPUTIES.*

May 31, 1699 to April 16, 1700.

MAJ. JAMES CONVERSE, SPEAKER.

COUNTY OF SUFFOLK.

| | |
|--------------------|------------------------|
| <i>Boston,</i> | John Eyre, Esq., |
| | Mr. Theophilus Frary,† |
| | Capt. Andrew Belcher, |
| | Mr. John White |
| <i>Roxbury,</i> | Mr. Samuel Ruggles. |
| <i>Dorchester,</i> | Capt. Samuel Clap. |
| <i>Milton,</i> | Mr. Thomas Vose. |
| <i>Braintree,</i> | Mr. John Baxter. |
| <i>Weymouth,</i> | Mr. John Rogers. |
| <i>Hingham,</i> | Mr. William Hearsey.‡ |
| <i>Dedham,</i> | Mr. Daniel Fisher. |
| <i>Medfield,</i> | Mr. Benjamin Clarke.§ |

COUNTY OF HAMPSHIRE.

| | |
|---------------------|------------------------|
| <i>Springfield,</i> | Lieut. John Hitchcock. |
| <i>Northampton,</i> | Mr. John Hawley.¶ |

COUNTY OF HAMPSHIRE—*Concluded.*

| | |
|-------------------|------------------------|
| <i>Hadley,</i> | Mr. Thomas Hovey. |
| <i>Hatfield,</i> | Capt. Samuel Partrigg. |
| <i>Westfield,</i> | Mr. Samuel Root. |

COUNTY OF BARNSTABLE.

| | |
|--------------------|--------------------------|
| <i>Barnstable,</i> | Mr. John Otis. |
| <i>Sandwich,</i> | Capt. William Bassett.** |
| <i>Yarmouth,</i> | Mr. Thomas Sturgis. |
| <i>Eastham,</i> | Capt. Jonathan Sparrow. |

COUNTY OF BRISTOL.

| | |
|------------------------|-----------------------|
| <i>Bristol,</i> | Mr. Ebenezer Brenton. |
| <i>Swanzey,</i> | Mr. Joseph Kent. |
| <i>Taunton,</i> | Capt. Thomas Leonard. |
| <i>Rehoboth,</i> | Mr. John Hunt. |
| <i>Little Compton,</i> | Mr. John Woodman. |

* The qualifying oaths subscribed by the representatives this year are missing from the archives, and thus one important test of the accuracy of this list is wanting.

† "Frarey," in the Secretary's list.

‡ "Hersey," in the town records.

§ "Clarke," in the Secretary's list.

|| "Lieutenant" in the town records, but "Mr.," in the Secretary's list.

¶ *Sic*, in the Secretary's list; probably an error for Joseph. See list of 1698.

** "Basset," in the Secretary's list.

| COUNTY OF ESSEX. | | COUNTY OF MIDDLESEX — <i>Concluded.</i> | |
|----------------------|---|---|------------------------------------|
| <i>Salem,</i> | Benjamin Browne, Esq. *, Mr. Josiah Woolcot. † | <i>Sudbury,</i> | Mr. Peter King. |
| <i>Ipswich,</i> | Maj. Francis Wainwright, Mr. Samuel Appleton. | <i>Marlborough,</i> | Mr. Samuel Brigham. ††† |
| <i>Newbury,</i> | Maj. Thomas Noyes. | <i>Groton,</i> | Capt. Jonas Prescott ††† |
| <i>Lynn,</i> | Capt. John Burrill, jun. ‡ | <i>Concord,</i> | Lieut. Jonathan Prescott §§§ |
| <i>Marblehead,</i> | Capt. William Dodge. | <i>Chelmsford,</i> | Mr. Nathaniel Hill. |
| <i>Beverly,</i> | Mr. Samuel Balch. | <i>Billerica,</i> | Mr. Joseph Tompson. |
| <i>Wenham,</i> | Mr. John Newman. | <i>Woburn,</i> | Maj. James Convers, jun. |
| <i>Rowley,</i> | Capt. Daniel Wicom. | <i>Reading,</i> | Lieut. Hananiah Parker. §§§ |
| <i>Andover,</i> | Col. Dudley Bradstreet. | <i>Medford,</i> | Lieut. Peter Tufts. §§§ |
| <i>Haverhill,</i> | Mr. Richard Saltonstall. § | <i>Malden,</i> | Mr. Isaac Hill |
| <i>Bradford,</i> | Capt. David Haseltine | <i>Sherburne,</i> | Capt. Joseph Morse. |
| <i>Topsfield,</i> | Quartermaster Tobijah Perkins. ¶ | COUNTY OF YORK. | |
| <i>Boxford,</i> | Mr. John Pebody. ** | <i>Kittery,</i> | Mr. Joshua Downing. |
| <i>Gloucester,</i> | Capt. James Davis. | <i>Wells,</i> | Mr. John Wheelwright. |
| <i>Salisbury,</i> | Lieut. Nathaniel Brown. †† | <i>York,</i> | Lieut. Abraham Preble, senior. ¶¶¶ |
| <i>Amesbury,</i> | Capt. Thomas Harvey. ‡‡ | | |
| COUNTY OF MIDDLESEX. | | COUNTY OF PLYMOUTH. | |
| <i>Charlestown,</i> | Mr. Samuel Phipps. §§ Mr. Jacob Greene, jun. | <i>Plymouth,</i> | Mr. Nathaniel Thomas, junior. **** |
| <i>Cambridge,</i> | Mr. John Leverett. ¶¶ | <i>Scituate,</i> | Mr. Samuel Clap. |
| <i>Newton,</i> | Capt. Isaac Williams. | <i>Marshfield,</i> | Mr. Isaac Little. |
| <i>Watertown,</i> | Capt. Benjamin Gearfield, senior *** | <i>Bridgewater,</i> | Mr. Josiah Edson. |

JOHN WHITE, *Clerk.*
JAMES MAXWELL, *Doorkeeper and Messenger to the Governor and Council and to the General Assembly.*

* “Brown,” in the Secretary’s list.
† “Woolcot,” in the Secretary’s list.
‡ “Capt. John Burrill,” in the Secretary’s list; but “John Burrill, jun.,” in the town records.
§ “Saltonstal,” in the Secretary’s list.
|| “Hazelstine,” in the Secretary’s list.
¶ “Quartermaster,” in the town records, but “Mr.,” in the Secretary’s list. See notes to this name in legislative lists for 1695–6 and 1697.
** “Peabody,” in the Secretary’s list.
†† “Lientenant,” in the town records, but “Mr.,” and “Browne,” in the Secretary’s list.
‡‡ From the town records; but “Howse,” in the Secretary’s list.
§§ “Phips,” in the Secretary’s list.
|||| “Green,” in the Secretary’s list.
¶¶ “Leveret,” in the Secretary’s list.
*** “Garfield,” in the Secretary’s list, and without the “senior.”
††† “Bridgeham,” in the Secretary’s list.
‡‡‡ “Prescot,” in the Secretary’s list; but “Prescott,” in the town records.
§§§ “Lientenant,” in the town records, but “Mr.,” in the Secretary’s list.
||||| From the town records; but “Converse,” in the Secretary’s list.
¶¶¶ From the town records; but not in the Secretary’s list.
**** “Junior,” in the town records.

VOTE, ORDERS, ADDRESS, RESOLVES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRTY-FIRST DAY OF MAY, A.D. 1699.

CHAPTER 1.

VOTE FOR APPOINTING A COMMITTEE TO PREPARE THE DRAUGHT
OF AN ADDRESS TO THE KING, PROFESSING ALLEGIANCE, ETC.

HIS EXCELLENCY proposed to the board that an address be made by this court unto his maj^{ty}, recognizing their duty and allegiance unto his sacred person and governm^t, which was *agreed* upon; and Nathaniel Byfield, Esq^r, sent unto the assembly to make them acquainted therewith and to have their concurrence therein, —

The house of representatives signifying their concurrence with this board in addressing of his maj^{ty}, Elisha Cooke, Elisha Hutchinson, Samuel Sewall, Nath^l Thomas, Nathaniel Byfield, Esq^{rs}, with the secretary, were nominated and appointed a committee to joine with a committee of the assembly,* to prepare a draught of an address accordingly. [*Passed June 3.*]

CHAPTER 2.

ORDER FOR REPRINTING THE LAWS, ETC., AND FOR APPOINTING A
COMMITTEE TO SUPERINTEND THE WORK.

Ordered, That the laws of this province now standing in force be reprinted, and that the laws referring to taxes and other laws expired, repealed and annulled, be left out of the impression, and that John Eyre, Esq^r, M^r John Leverett and M^r John White, joine with such of the council as shall be appointed a committee for directing that affair; which order, being read at the board, was concurred with, and Elisha Cooke, Samuel Sewall, Esq^{rs}, and the secretary, were appointed a committee with the gentlemen in the s^d order named, to oversee and direct a new impression to be made of the s^d laws. [*Approved June 7.*]

* The loss of the early House Journals leaves no evidence as to who were joined on this committee, yet it is certain that the committee was completed and made a report. See chapter 3, *post*.

CHAPTER 3.

DRAUGHT OF AN ADDRESS TO KING WILLIAM, PROFESSING ALLEGIANCE, ETC., AND THE RESOLVE DIRECTING THAT IT BE ENGROSSED, SIGNED AND FORWARDED TO BE PRESENTED TO THE KING IN PERSON, AND THANKING THE LORD HIGH CHANCELLOR FOR PROCURING AN AUDIENCE FOR THE BEARER.

Resolved, That y^e within Address be fairly Engros't Signed, and forwarded with a Letter unto S^r Hen : Ashhurst by him to be presented unto his Maj^{ty} being introduced by the Lord high Chancellor of England And that a Letter be written unto his Lord^p in thankful acknowledgem^t of his Lord^{ps} Favour to and Services done for this Province and to pray his Lord^p to honour this Province by introducing S^r H. Ashburs't unto his Maj^{ty} with the Address : [*Passed June 15.*]

To the Kings Most Excellent Majesty

Dread Sovereigne,

THE HUMBLE ADDRESS of the Council & Representatives of yo^r Ma^{ties} Province of the Massachusetts Bay in New-England convened in General Assembly. It would be Unpardonable Ingratitude, If our present Acclamations of Joy Should not Eccho our Sincerest Acknowledgments unto the Regions from whence the Occasions of them have derived. Wee therefore your Maj^{ties} most dutyfull & Loyall Subjects First with hearts replete with Gratitude and Devotion humbly Adore the Goodness of Almighty God, in whose hands are the hearts of all Kings, who hath Inspired your Royall breast with the defusive Cares and regards for even your remotest Subjects in the most distant parts of your Maj^{ties} Dominions.

And Next wee humbly beg leave to prostrate at your Royall feet this tender & testimony of our Most hearty thanks and acknowledgm^{ts} for the Expressions of your Maj^{ties} Peculiar Care of & Princely favour to this your Province of the Massachusetts Bay in New England, in Consigning the Governm^t of your Maj^{ties} s^d Province into the hands of the Earle of Bellomont, who under the auspicious Care and Conduct of the divine Providence is arrived therto.

Wee cannot but admire as well as acknowledge Your Maj^{ties} Speciall Grace in honouring this Remote Province by placing over it So Noble a Person ; his Lordsh^p being not onely Ennobled by the beams of your Maj^{ties} favour, but also rendred Illustrious by those Great and Heroick Vertues Contracted in his Lordsh^p moving long in a Circle So near your Maj^{ties} own brightness.

Great S^r Wee shall onely Add to our Acknowledgm^{ts} of this your Maj^{ties} Inexpressible goodness, our humble and Unfeigned protestations of an Inviolable Loyalty, and Earnest prayers That the Same Almighty God who hath made your Maj^{ty} the restorer of Brittain's Glory and Europes Repose, and the true Defender of y^e Protestant ffaith, would Establish your Earthly Throne in Righteousness peace and Safety, and late translate your Maj^{ty} to an Eternall one in the Kingdome of blessedness & Glory. —

Your Ma^{ties} Loyal & dutiful Subjects.

CHAPTER 4.

RESOLVE FOR ALLOWING AND PAYING THREE HUNDRED POUNDS TO WILLIAM STOUGHTON FOR HIS SERVICES AS LIEUTENANT-GOVERNOR IN THE YEAR 1698-9.

Resolved, That the sum of three hundred pounds be and hereby is granted to be paid to the Hon^{ble}. William Stoughton, Esq^r, out of his majestie's treasury of this province, for his service the last year as lieut^{nt}-governour, etc., of this province. [*Approved July 11.*]

CHAPTER 5.

RESOLVE FOR CONFIRMING THE ALLOWANCE OF TWO HUNDRED POUNDS TO JOHN WALLEY BY THE ORDER OF THE YEAR 1698, CHAPTER 59, AND REQUESTING THAT A WARRANT THEREFOR MAY BE DRAWN UPON THE TREASURY.

WHEREAS, The general assembly, at their session begun the 15th day of November, 1698, granted unto John Walley, Esq^r, the sum of two hundred pounds for his service as comissioner for impost, one of the committee for debentures and comissioners for warr, to the 1st day of March then next following, to be paid unto him upon his making up his acc^{ts}, which accompts having been presented to the house of representatives and examined and approved by y^m, —

Resolved, That the s^d. grant of two hundred pounds take effect, and that his ex^{cy}. the governour be desired with the advice and consent of the council to issue forth his warrant to the treasurer accordingly, for payment of the same. [*Approved July 11.*]

CHAPTER 6.

RESOLVE FOR APPROVING AND ALLOWING THE PROVINCE TREASURER'S ACCOUNTS FROM MAY 30, 1698, TO MAY 31, 1699.

THE ACCOMPTS of Mr James Taylor, treasurer and receiver-general of this province, beginning the 30th day of May, 1698, and continued unto the 31st day of May, 1699, amounting unto the sum of twenty-one thousand two hundred and two pounds two shillings and sixpence, having been presented and laid before the house of representatives and inspected by s^d. house, by which it appears there was standing out on the s^d. 31st of May, of the several assessments, three thousand nine hundred thirty-nine pounds five shillings and eleven pence; and in the hands of the fermers of the duty's of excise, four hundred twenty-two pounds ten shillings; as also of the dutys of impost, etc. (as by accompt rec^d. from John Walley, Esq^r, late comissioner), four hundred forty pounds thirteen shillings and sixpence; likewise of the dutys of impost (as by accompt received from Mr Will^m. Pain, late comissioner), twelve barrels and 9th. of powder at 12^d. per lb. is sixty pounds

nine shill^{gs}., all to be drawn into the treasury and further to be accounted for,—

Resolved, That the s^d. accompts, in the several articles of receipts and payments therein mentioned, amounting unto sixteen thousand three hundred thirty-nine pounds four shillings and one penny, be and hereby are approved and allowed of, and the s^d. treasurer is hereby discharged of the s^d. sum of sixteen thousand three hundred thirty-nine pounds four shillings and one penny. [*Approved July 14.*]

CHAPTER 7.

RESOLVE FOR ALLOWING TWO HUNDRED POUNDS TO JAMES TAYLOR, TREASURER OF THE PROVINCE, FOR HIS SERVICES AND EXPENSES IN THE YEAR 1698-9.

UPON CONSIDERATION of good service that M^r James Taylor, gent., hath done as treasurer and receiver-general of this province, for the last year, 1698, which expired some time in June last, —

Resolved, That two hundred pounds be granted out of the treasury of this province unto M^r James Taylor, afores^d., to be in way of compensation and payment for his labour, pains and charges he hath been out in s^d. trust, and that his ex^{cy}. be desired, with the advice and consent of the council, to give order accordingly. [*Approved July 14.*]

CHAPTER 8.

RESOLVE FOR GRANTING LICENSE TO THOMAS HOW OF MARLBOROUGH TO PURCHASE OF JOSEPH ROBINSON, AN INDIAN, A TRACT OF LAND LYING BETWEEN MARLBOROUGH, SHERBURNE, AND WOOLSON'S FARM.* [*Approved July 14.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 9.

RESOLVE AND ORDER FOR APPROVING AND ALLOWING THE ACCOUNTS FROM JULY 1, 1695, TO JUNE 22, 1699, OF JOHN WALLEY, COMMISSIONER FOR WAR, AND FOR REPAYING HIM EIGHTEEN POUNDS FOUR SHILLINGS EXPENDED BY HIM MORE THAN HE RECEIVED.

WHEREAS John Walley Esq^r. being for some years past employed by the Governour and Council as Comissioner for War, hath had divers considerable sums of money ordered into his hands out of the publick Treasury and otherwise amounting in the whole to seventeen thousand three hundred eighty one pounds twelve shillings and eleven pence, for the enabling of him to purchase, procure and pay for Provisions Cloathing and other supplies, for the souldiers and seamen that have been employed in his Ma^{ty}s service within this Province, & for the

* See *ante*, 1698, order, chapter 42.

Garrisons within y^e same & Province Gally, as also for the enabling of him to pay & defrey sundry other incident and contingent Charges and Disbursements for his Mat^ys service.

And whereas the s^d John Walley hath laid before the house of Representatives the Accompts of his laying out and disposal of the afores^d moneys by him received for the service of the Province, beginning the first day of July — *Anno* 1695 — & ending the twenty second day of June — *Anno* 1699. Which Accompts together with his Accompts also of his imploying and disposal of the several species of Provisions, Cloathing and other supplies by him procured with the s^d moneys have been carefully examined and inspected by M^r James Taylor Treasurer and Receiver General of this Province by Order of the house of Representatives, and also since by a Committee of the s^d house appointed for that purpose And it appearing by the s^d Accompts that the said John Walley hath paid out for the ends above mentioned the sum of seventeen thousand three hundred ninety nine pounds, Sixteen shillings & 11^d which is Eighteen pounds four shillings, more than he hath received of the publick moneys

Resolved and Ordered That the s^d Accompts of the afores^d John Walley be, and hereby are approved & allowed of And that he the s^d John Walley be paid out of the publick Treasury the s^d sum of Eighteen pounds four shillings. And further that he be and hereby is discharged of and from the s^d sum of seventeen thousand three hundred eighty one pounds twelve shillings and eleven pence, by him received as before mentioned out of the publick Treasury and otherwise, for the service of this Province. [*Approved July 18.*]

CHAPTER 10.

RESOLVE FOR ALLOWING AND PAYING FIFTY POUNDS TO INCREASE MATHER FOR HIS SERVICES AS PRESIDENT OF HARVARD COLLEGE IN THE YEAR 1698-9.

Resolved. That ffor and in Consideraçõ of y^e Good Service the Reverend M^r Increase Mather hath Done for this Province as p^rsident of Harvard Colledge, the last year viz^t *Ann. Doñ.* 1698: There be allowed and paid unto him out of the Publick Treasury of this his Maj^{ties} Province the Summ of fifty pounds—[*Approved July 18.*]

CHAPTER 11.

RESOLVE FOR ALLOWING AND PAYING THIRTY POUNDS, EACH, TO JOHN PHILLIPS AND JAMES CONVERSE FOR THEIR SERVICES IN TWO JOURNEYS TO THE EASTWARD TO NEGOTIATE WITH THE INDIANS.

WHEREAS the Hon^{ble} Col^o John Phillips Esq^r and Maj^r James Converse were appointed by the Generall Assembly in Novem^r last to Undertake a voyage the last Winter to Negotiate an Affair with the Eastward Indians, which order they Attended and were upon s^d voyage by the Space of Two months and a day or two; And were Sent again

by the Hon^{ble} the Liev^t Gov^r & Councill on s^d Affair in April last, & were then upon their voyage about a month & a week, in the whole Three Months and a week. upon s^d service.

Resolved That the Sum. of Thirty Pounds be allowed and Paid to each of them out of his Maj^{ties} Treasury of this Province In Considera^{con} of their Service afores^d [*Approved July 18.*]

CHAPTER 12.

RESOLVE FOR ALLOWING AND PAYING FORTY POUNDS TO EPHRAIM SAVAGE FOR HIS SERVICES AS ONE OF THE COMMITTEE FOR DEBENTURES, THE FORMER ALLOWANCE TO HIM NOT BEING PAID; AND REQUESTING THAT A WARRANT THEREFOR BE DRAWN ACCORDINGLY.

Resolved, That Capt. Ephraim Savage, one of the committee for debentures, be allowed and paid the sum of forty pounds money out of the public treasury of this province, for his service as aforesaid, the said sum granted the last session of this court to him for said service not being paid, and that his ex^{cy} the governour be desired, by and with the consent of the council. to give order accordingly. [*Approved July 18.*]

CHAPTER 13.

RESOLVE FOR ALLOWING EIGHT POUNDS TO JOHN WHITE, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES DURING THE FIRST SESSION OF THE YEAR 1699–1700.

Resolved, That Mr John White, clerk of the house of representatives, be allowed eight pounds out of the public treasury of this his majestie's province, for his service as clerk this present session, and that his ex^{cy}, with the advice and consent of the council, be desired to give out an order for the paym^t thereof accordingly. [*Approved July 18.*]

CHAPTER 14.

RESOLVE FOR PAYING FIFTEEN POUNDS TO JAMES MAXWELL FOR HIS SERVICES AS DOORKEEPER TO THE GOVERNOR, COUNCIL AND REPRESENTATIVES, DURING THE LAST HALF-YEAR.

Resolved, That there be paid out of the public treasury of this province to Mr James Maxwell, for his last half-year's service in waiting upon the governour, council and general assembly, the sum of fifteen pounds. [*Approved July 18.*]

CHAPTER 15.

RESOLVE FOR ALLOWING AND PAYING TEN POUNDS TO CAPTAIN TIMOTHY PHILLIPS, THREE POUNDS TO SERGEANT JACOB LUFFKIN, AND TWO POUNDS TO JOSEPH SOPER; SOLDIERS WOUNDED IN THE KING'S SERVICE IN AN ENGAGEMENT AT THE EASTWARD IN THE SUMMER OF 1698.

WHEREAS at a Great & Generall Court or Assembly begun & held at Boston upon Wednesday the 26th of May 1697: & Continued by Severall prorogations unto Wednesday y^e 15th of Decemb^r following and then mett, a Comitte was appointed to Receiue and inquire into the Demands that are or Shall be made for allowance unto any officers or Souldiers which were wounded in his Majesties Service in the Engagement with the Enemy in the preceeding Summer in the Eastern parts of y^e Province and to make report thereof to y^e Generall Assembly And the Said Committee haneing made report accordingly that they think Ten pounds ought to be allowed to Cap^t Timothy Phillips, and Three pounds to Jacob Luffkin and Two pounds to Joseph Soper in Consideration of their time whilst under the Docto^rs hands for y^e Cure of their wounds —

Resolved, That there be paid out of his Maj^{ties} Treasury of this Province, Ten pounds allowed and paid to sd Cap^t Timothy Phillips and Three pounds to Serg^t Jacob Luffkin and Two pounds to Joseph Soper In Consideracon of y^r time whilst under y^e Docto^rs hands for Cure of their wounds as aforesaid. [*Approved July 18.*]

CHAPTER 16.

RESOLVE FOR ALLOWING AND PAYING TEN POUNDS FOR THE SURGEON'S FEES, AND TOWARDS THE FUNERAL EXPENSES, OF SAMUEL PROCTER, ONE OF THE GARRISON AT CASTLE ISLAND, LATELY MORTALLY WOUNDED IN THE KING'S SERVICE.

WHEREAS Samuel Procter a Garrison Souldier belonging to his Maj^{ties} Castle upon Castle Island near Boston was lately wounded in his Maj^{ties} Service at the s^d Castle, and of his Wounds is since dead

Resolved That there be Allowed and paid out of his Maj^{ties} Treasury of this Province the Sum. of Ten Pounds for the paying of Chirurgeons. Employed to dresse and look after the s^d Samuel Procter after his being so Wounded and also towards defraying his funer^l charges. [*Approved July 18.*]

CHAPTER 17.

RESOLVE FOR APPLYING THE POWDER-MONEY RECEIVED FROM VESSELS ARRIVING IN THIS PROVINCE TOWARDS THE PURCHASE OF MILITARY STORES, ETC., UNTIL FURTHER ORDER.

Resolved That the Powder-money Paid by all Vessells from time to time arriving in this Province, Shall be Reserved, & Improved, for & towards a Supply of Stores of War for his Maj^{ties} Service in this Province, untill further Order from this Court. [*Approved July 18.*]

CHAPTER 18.

RESOLVE FOR ALLOWING FIFTEEN POUNDS OUT OF THE PROVINCE TREASURY TOWARDS THE MAINTENANCE OF A MINISTER IN THE TOWN OF WELLS FOR THE ENSUING YEAR.

UPON READING the petition of John Wheelwright, representative of the town of Wells, in behalf of the s^d town, praying some assistance from the publick towards the support and maintainance of a minister in s^d town, —

Resolved, That the s^d town of Wells be allowed out of the publick treasury fifteen pounds money, for maintainance of a minister the year ensuing. [*Approved July 18.*]

CHAPTER 19.

RESOLVE FOR PAYING TWELVE POUNDS OUT OF THE PROVINCE TREASURY TO SAMUEL MOODY, MINISTER AT THE TOWN OF YORK, FOR HIS SERVICES FOR THE YEAR BEGINNING MAY 18, 1698.

UPON READING the petition of Samuel Moody, preacher of the word of God at the town of York, setting forth the inability of s^d town to afford him a competent maintainance, and praying some allowance from the public for his last year's officiating there, beginning the 18th of May, 1698, —

Resolved, That twelve pounds be given out of the public treasury to the said Samuel Moody. [*Approved July 18.*]

CHAPTER 20.

RESOLVE AND ORDER FOR REMITTING, ETC., FORTY-SEVEN POUNDS THREE SHILLINGS AND EIGHTPENCE, THE OUTSTANDING DUES OF DIVERS PERSONS FOR IMPOST AND EXCISE, FOR WHICH JOHN WALLEY, LATE COMMISSIONER OF EXCISE, REMAINS CHARGEABLE, AND FOR AUTHORIZING SAID WALLEY TO COLLECT THE REMAINDER OF SAID DUES.

WHEREAS John Walley Esq^r Late Comissioner for the Collecting and receiveing the Dutys of Impost and Excise granted by the General Assembly of this Province and for the General inspection care and management of whatsoever related unto the s^d Offices, hath laid before a Committee of the house of Representatives y^e Accompts of his transactions in the s^d Offices as hath been made up with the Treasurer & receiver General from time to time as the law directs. By which Accompts it appeares there is standing out in Debts due to the Province from divers persons for Impost & Excise the sum of four hundred forty pounds thirteen Shillings & Six pence And whereas some of the s^d persons soe indebted were extreemly indigent, some others of them had their licences taken away or laid down the same, before the expiration of the year for which they agreed to pay a Certain sum for

Excise by reason whereof it hath appeared reasonable to the s^d Committee of y^e house of representatives and they have accordingly reported their opinion that the s^d Several persons as by Acco^{ts} taken by y^e Committee and left with the house, be abated and remitted the sum of Forty Seven pounds three Shillings & Eight pence in part of the Debts standing out as afores^d for the s^d Duty's of Impost & Excise and that he the s^d John Walley Esq^r be impowred to Collect and recover the remainder of s^d Debts. It is therefore

Resolved & Ordered That the s^d persons as p^r s^d Accompts be & hereby are abated and remitted the s^d sum of Forty Seven pounds three Shillings & Eight pence part of the Debts soe Standing out as afores^d And that there be an order to y^e Treasurer & Receiver General of this Province to allow s^d John Walley the s^d sum of forty Seven pounds three Shillings & Eight pence and pass the said sum in his Accompts accordingly. And further that the s^d John Walley be and hereby is fully authorized and impowred to demand sue for recover and receive all and singular such Debt and Debts sum and sums of money as are due or remayning unpaid for Impost and Excise which should have been paid unto him the s^d John Walley during the time of his being Comissioner for the collecting of the s^d Duty's from any person or persons whatsoever in as full large & ample manner as the s^d John Walley might have done when he was Comissioner as aforesaid by virtue of his Commission or any powers and authority's by law to him given excepting the Abatem^{ts} afores^d And that the s^d Walley Stand farther Accountable for the remainder of said Debts Outstanding [*Approved July 19.*

CHAPTER 21.

RESOLVE AND ORDER FOR APPOINTING A COMMITTEE TO EXAMINE AND ADJUST THE ACCOUNTS OF CLAIMS FOR WAGES AND FOR THE SUBSISTENCE AND TRANSPORTATION OF SOLDIERS UNDER THE GOVERNMENT OF SIR EDMUND ANDROS, ETC., AND TO REPORT THEREON AT THE NEXT SESSION OF THE GENERAL COURT.

Resolved & Ordered. That there be a Committee named and appointed by this Court to Inspect Examin and Adjust the Accompts of the Debts claimed, for wages and Service done for the publick, For Goods and Provisions taken up and Vessells hire, For Subsisting of Souldiers or otherwise, during the time of S^r Edmond Andros's Governm^t given in to a former Committee appointed to receive the Same, by any of the People of this Province. And to receive such further claims as shall be made by any of this Province. and to adjust the same, and make their Report upon the whole unto the next Session of this Court, that Provision may be made for payment of the said Debts. —.

And y^t in adjusting the Wages of Officers and Souldiers they Proceed according to the Custom & usage of this Province [*Approved July 19.*

CHAPTER 22.

RESOLVE FOR PAYING EIGHTEEN POUNDS THIRTEEN SHILLINGS AND TWOPENCE TO WILLIAM PAYNE, COMMISSIONER OF IMPOST, FOR HIS OFFICE EXPENSES AND SALARY TO MAY 31, 1699.

UPON READING an accompt presented by M^r. William Paine, commiss^r for impost, amounting to eighteen pounds thirteen shillings and 2^d., for a sett of books for s^d. impost office, and rent thereof, etc., and also for one quarter's salary due to him the 31st of May last, —

Resolved, That the s^d. William Paine be paid out of the public treasury the s^d. sum of eighteen pounds thirteen shillings and twopence. [*Approved July 19.*]

CHAPTER 23.

RESOLVE FOR ALLOWING SIX POUNDS MORE TO EBENEZER PROUT, FORMERLY CLERK OF THE HOUSE OF REPRESENTATIVES, AS FULL AND FINAL COMPENSATION FOR HIS SERVICES IN THAT CAPACITY.

Resolved, That M^r. Ebenezer Prout be allowed six pounds money for service done by him formerly as clerk of the house of representatives, as a full and final compensation for s^d. service, it being a further consideration added to the six pounds given him by the last general court for s^d. service. [*Approved July 19.*]

CHAPTER 24.

RESOLVE FOR GRANTING OUT OF THE PROVINCE TREASURY AN ANNUAL PENSION OF FOUR POUNDS, FOR LIFE, TO JEREMIAH BUMSTEAD, A SOLDIER WOUNDED AND DISABLED IN THE KING'S SERVICE.

UPON READING the petition of Jeremiah Bumstead, setting forth that he was formerly wounded in the countrey's service, in one legg, and thereby disabled, to his great impoverishment, and praying some releif from the public on consideration thereof, —

Resolved, That the petitioner, Jeremiah Bumstead, be allowed four pounds money during his natural life out of the public treasury. [*Approved July 19.*]

CHAPTER 25.

RESOLVE FOR PAYING OUT OF THE PROVINCE TREASURY ELEVEN POUNDS THIRTEEN SHILLINGS AND FOURPENCE TO ELIZABETH THE WIDOW OF ROBERT HOPLY, LATE OF BOSTON, DECEASED, BEING THE WAGES DUE TO HIM AS GUNNER OF THE SHIP AMERICA MERCHANT, EMPLOYED IN THE EXPEDITION TO CANADA IN THE YEAR 1690.

UPON READING the petition of Elizabeth Hopley, widow of Robert Hopley, late of Boston, mariner, deceēd, praying that the sum of eleven pounds thirteen shillings and fourpence, due to her s^d husband for his service as gunner of the ship America Merch^t, employed in his majesty's service on the expedition to Canada, *anno* 1690, and not yet paid, may be paid unto her, —

Resolved, That the petitioner be paid eleven pounds thirteen shillings and fourpence out of the public treasury of this province, on account aforesaid. [*Approved July 19.*]

CHAPTER 26.

RESOLVE FOR ALLOWING SIX POUNDS OUT OF THE PROVINCE TREASURY TO JOSIAH PARKER OF CAMBRIDGE TO REIMBURSE HIM THE SUM HE PAID TO THE EASTERN INDIANS FOR REDEEMING PHINEAS PARKER FROM CAPTIVITY.

UPON READING the petition of Josiah Parker of Cambridge, praying to be allowed out of the public treasury the sum of six pounds, which he disbursed, about a year since, for redeeming his kinsman, Phineas Parker, out of the hands of the eastward Indians, —

Resolved, That the petitioner be allowed the s^d sum of six pounds out of the publick treasury. [*Approved July 19.*]

CHAPTER 27.

RESOLVE FOR PAYING THREE POUNDS TWELVE SHILLINGS OUT OF THE PROVINCE TREASURY TO STEPHEN HOLDEN OF GROTON, TO PARTLY REIMBURSE HIM THE SUM HE PAID TO THE INDIANS FOR THE REDEMPTION OF HIMSELF AND HIS SON FROM CAPTIVITY.

UPON READING the petition of Stephen Holden of Groton, praying to be reimbursed out of the public treasury the sum of three pounds twelve shillings, which he was necessitated to give the Indians for the procuring of his and his son's liberty, having been captives with the s^d Indians about a year and ten months, —

Resolved, That the petitioner be paid out of the public treasury the said sum of three pounds twelve shillings. [*Approved July 19.*]

CHAPTER 28.

ORDER APPOINTING JOHN WALLEY AND EPHRAIM SAVAGE A COMMITTEE TO RECEIVE CLAIMS AND DEBENTURES AGAINST THE PROVINCE, BROUGHT IN BEFORE OCTOBER 1, 1699, FOR AMOUNTS DUE BEFORE MAY 26, 1699, FOR WORK, WAGES, ETC., AND TO PREPARE AND REPORT FOR THE ALLOWANCE OF THE GOVERNOR AND COUNCIL AN ORDER FOR THE PAYMENT OF THE SAME.

WHEREAS there are severall sum̄s of money due to soldiers and others for worke, wages, fitting the galley and otherways for his majestie's service, due before the 26th of May, 1699, that have not yet been allowed and paid, —

Ordered, That John Walley, Esq^r, and Capt. Ephraim Savage be a committee for to take in all claims and certificates for what's due before the 26th of May, 1699, for worke, wages or any otherwise as above due from the province for his maj^{tie}'s service, and to make up and adjust the same, and to lay before his ex^{cy}. and council, for their allowance, an order on the treasurer, for payment of the same, and all persons are to bring in their claims before the 1st of October next ensuing. [*Approved July 19.*]

CHAPTER 29.

RESOLVE AND ORDER APPOINTING A COMMITTEE TO PROCEED TO WATERTOWN AND TO DETERMINE UPON A LINE DIVIDING THE TOWN INTO TWO SEPARATE PRECINCTS, AND TO PROPOSE A SUM TO BE PAID BY THE INHABITANTS OF THE EASTERLY END OF SAID TOWN TOWARDS THE CHARGE OF BUILDING THE NEW MEETING-HOUSE; AND TO REPORT THEREON AT THE NEXT SESSION OF THE GENERAL COURT; AND FOR SUSPENDING ALL LITIGATION, ETC., IN THE MEAN TIME. [*Approved July 20.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 30.

RESOLVE AND ORDER IN ADDITION TO AND FOR FURTHER EXPLAINING THE ORDER OF JUNE 14, 1698,* RELATING TO THE BOUNDS OF THE FARMS PRECINCT IN WATERTOWN. [*Approved July 20.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 31.

RESOLVE FOR GRANTING AND PAYING OUT OF THE PROVINCE TREASURY FIVE HUNDRED POUNDS TO SIR HENRY ASHURST, BART., BESIDES THE PROCEEDS IN HIS HANDS OF NAVAL STORES, TOWARDS HIS SERVICES AND EXPENSES AS AGENT OF THE PROVINCE.

Resolved That there be and hereby is granted the sum̄ of Five hundred pounds unto S^r Henry Ashhurst Baronet, besides what remains

* Resolve and order, 1698, chapter 12, *ante*.

in his hands of the effects of the Naval Stores, towards his charges and service in his Agency for this Province, to be paid out of the public Treasury of the same. [*Approved July 20.*]

CHAPTER 32.

RESOLVE FOR ALLOWING TEN POUNDS OUT OF THE PROVINCE TREASURY TO JOSEPH HASTINGS OF READING FOR THE LOSS OF AN EYE BY A WOUND RECEIVED IN THE KING'S SERVICE IN THE YEAR 1690.

UPON READING the petition of Joseph Hasting of Reading, praying some allowance for the loss of the sight of one of his eyes by a wound which he received in his majestie's service in the year 1690, —

Resolved, That the s^d. petitioner be allowed ten pounds money out of the public treasury. [*Approved July 20.*]

CHAPTER 33.

RESOLVE FOR ALLOWING AND PAYING OUT OF THE PROVINCE TREASURY THE FUNERAL EXPENSES OF NATHANIEL HOLMES, KILLED BY THE BURSTING OF A GUN ON CASTLE ISLAND, AMOUNTING TO FIFTEEN POUNDS THIRTEEN SHILLINGS AND EIGHTPENCE.

Resolved, That the funeral charges of Nathaniel Holmes, kill'd by the breaking of a great gun at his maj^{tie's}. castle upon Castle Island, the 12th of June, 1699, amounting to fifteen pounds thirteen shillings and eightpence, be allowed and paid out of the public treasury of this province. [*Approved July 20.*]

CHAPTER 34.

RESOLVE FOR REDUCING TO TWO POUNDS SEVEN SHILLINGS THE SUM ORDERED TO BE PAID IN 1698* OUT OF THE PROVINCE TREASURY TO SUNDRY PERSONS BRINGING IN TO THE TREASURY UNENDORSED BILLS OF PUBLIC CREDIT.

WHEREAS, at the session of the general assembly begun the 15th day of November last, a resolve passed for the making good of six pounds seven shillings in unendors't bills of credit, presented by M^r. Treasurer and others, and whereas part of s^d. bills, to the value of four pounds, upon further examination appeared to be counterfeit, —

Resolved, therefore, that four pounds ought to be deducted out of the said sum of six pounds seven shillings. [*Approved July 20.*]

* Chapter 66, *ante*.

CHAPTER 35.

ADVICE OF THE COUNCIL, ON MOTION OF THE HOUSE OF REPRESENTATIVES, THAT THE GOVERNOR CONTINUE THE GOVERNMENT AND DIRECTION OF HARVARD COLLEGE IN THE HANDS OF THE CORPORATORS APPOINTED UNDER THE ACT OF JUNE 4, 1697, WHICH WAS DISALLOWED BY THE PRIVY COUNCIL *

WHEREAS, the assembly at the last session of the general court proposed to suspend their proceedings in the affair referring to the settlement of the colledge until the next session of said court, and made their humble application unto his excellency that he would please, in the mean time, to continue the government and direction of the colledge with the gentlemen of late a corporation for the same, and that the estate of the colledge may be improved according to the rules and orders lately in force for the government of the students and management of the estate aforesaid, that those who have the care and institution† of the students may be suitably supported and encouraged, —

Advised, that his excell^{cy} do accordingly continue the government and direction of the colledge with the gent^l of the said late corporation, to have and exercise the same until further order. [*July 25, 1699.*]

* Though not strictly a legislative proceeding, and notwithstanding that the action of the Governor in conformity to this advice given by the representatives and the Council, was purely executive, and done after the Assembly had been prorogued, still, the formal concurrence of both the legislative branches, and the executive, in this scheme to continue the functions of the officers of the corporation which had been dissolved by the disallowance of the act of 1697, seems to require that it should be here inserted.

This proceeding was, undoubtedly, "the new settlement" alluded to by John Leverett in his letter to Isaac Addington, August 10, 1699, which Quincy, in his History of Harvard University, declares that there "is no account of," "either in the college records or in those of the General Court."

This "temporary settlement" was still further continued by chapter 40, *post*, which for the same reason has been included with these votes, etc., of the Assembly.

At the time Quincy's history was compiled, the executive records of the Council, in which the above entry appears, had not been transcribed for the Secretary's office, and were preserved in the State Paper Office in London, where they were, virtually, inaccessible to American students

† *Sic*: "instruction."

ORDER, RESOLVES, VOTE, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRTEENTH DAY OF MARCH, A. D. 1699-1700.

CHAPTER 36.

ORDER FOR NOTIFYING THE TOWN OF KITTERY TO APPEAR AND
ANSWER TO THE PETITION OF THE INHABITANTS OF BERWICK TO
BE SET OFF INTO A DISTINCT TOWNSHIP. [*Passed March 20, 1699-1700.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc.,
of towns, etc.*]

CHAPTER 37.

RESOLVE FOR GRANTING A HEARING ON THE PETITION OF THE
INHABITANTS OF NEWTON TO BE SET OFF FROM CAMBRIDGE AND
EXEMPTED FROM CONTRIBUTING TOWARDS THE MAINTENANCE OF
CAMBRIDGE BRIDGE. [*Approved March 22, 1699-1700.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc.,
of towns, etc.*]

CHAPTER 38.

RESOLVE FOR ALLOWING TWELVE POUNDS TO JOSEPH BENJAMIN,
A WOUNDED SOLDIER.

Resolved That the Sum: of Twelve Pounds money be Allowed and
Paid out of the Publick Treasury of this Province to Joseph Benjamin,
In Consideration of his being Wounded in his Maj^{ties} Service against
the Indian Enemy. [*Approved March 22, 1699-1700.*]

CHAPTER 39.

RESOLVE FOR ALLOWING A PENSION OF THREE POUNDS PER ANNUM FOR THREE YEARS TO PETER LEGROVE, A WOUNDED SOLDIER.

Resolved, That Peter Legrove, wounded in his maj^{ties}. service within this province, *anno* 1697, be allowed a stipend of three pounds per annum out of the public treasury of this province for three years next ensuing. [*Approved March 22, 1699-1700.*]

CHAPTER 40.

MOTION TO THE GOVERNOR, FOR CONTINUING THE GOVERNMENT OF HARVARD COLLEGE ESTABLISHED BY THE ACT OF JUNE 4, 1697, WHICH WAS DISALLOWED BY THE PRIVY COUNCIL.*

Mr. Leverett, Mr. White and Mr. Phips, members of the house of representatives, attended on his excellency with a message from that house praying his lordship that the care and government of the college may be continued in the hands of the late corporation, as at present, until other provision be made. [*Concurred in by the Council, and passed March 23, 1699-1700.*]

CHAPTER 41.

RESOLVE FOR PAYING THE GOVERNOR'S HOUSE-RENT.

Resolved That the whole Charge arising for House Rent for the Accomoda^{ti}on of his Ex^{ty} for this Year be paid out of the Treasury of this Province at the Expiration of the Year. [*Approved March 23, 1699-1700.*]

CHAPTER 42.

RESOLVE FOR ALLOWING FIFTY POUNDS, EACH, TO WAIT WINTHROP, ELISHA COOKE AND SAMUEL SEWALL, JUSTICES OF THE SUPERIOR COURT, ETC., FOR THEIR SERVICES DURING THE PREVIOUS YEAR; ALSO A LIKE SUM TO THE EXECUTORS OF THOMAS DANFORTH, DECEASED, A FORMER JUSTICE OF SAID COURT.

Resolved That there be Allowed and Paid out of the Publick Treasury of this Province to the Hon^{ble} Thomas Danforth Esq^r Dec^d his Execut^{rs} Wait Winthrop, Elisha Cook and Samuell Sewall Esq^{rs} Judges of the Sup^r Court of Judicature for their Service in s^d office the year last past expiring in Decemb^r last to each of s^d Judges the sumⁿ. of fifty Pounds [*Approved March 23, 1699-1700.*]

* See chapter 35, *ante*, and note.

CHAPTER 43.

RESOLVE FOR ALLOWING EIGHTY POUNDS TO ISAAC ADDINGTON, SECRETARY OF THE PROVINCE, FOR HIS EXTRAORDINARY SERVICES DURING THE YEAR ENDING DECEMBER, 1699.

Resolved, That the sum of eighty pounds be allowed and paid to the Hon^{ble}. Isaac Addington, Esq^r, for his extraordinary service done for the province the year last past, expiring December last. [*Approved March 23, 1699-1700.*]

CHAPTER 44.

RESOLVE FOR ALLOWING FIVE POUNDS TO JOHN LEVERETT, FOR SERVICES DONE BY HIM FOR THE HOUSE OF REPRESENTATIVES.

Resolved, That the sum of five pounds be allowed and paid to John Leveret, Esq^r, for service done by him for the house of representatives. [*Approved March 23. 1699-1700.*]

CHAPTER 45.

RESOLVE FOR AN ADDITIONAL ALLOWANCE OF SEVENTEEN POUNDS TO JOHN WHITE, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES IN THE YEAR 1699-1700.

Resolved, That Mr John White, who hath been employed as a clerk of the house of representatives to make fair records of all the acts that have passed in the said house this whole year, besides the eight pounds already allowed him, have seventeen pounds more allowed out of the public treasury, to be paid to him, in all twenty-five pounds money, as hath been usual to other clerks that have officiated as aforesaid. [*Approved March 23, 1699-1700.*]

CHAPTER 46.

RESOLVE FOR ALLOWING TEN POUNDS TO SAMUEL PHIPPS, LATE CLERK OF THE HOUSE OF REPRESENTATIVES, FOR SERVICES DONE BY HIM IN SAID CAPACITY.

Resolved, That the sum of ten pounds be allowed and paid out of the public treasury of this province to Mr Samuel Phips, for service formerly done by him as clerk of the house of representatives. [*Approved March 23, 1699-1700.*]

CHAPTER 47.

RESOLVE FOR GRANTING A LOAN OF ONE HUNDRED POUNDS TO THOMAS ADKINS, SENIOR, OF BOSTON.

Resolved, That the sum of one hundred pounds be lent out of the treasury of this province to M^r Thomas Adkins, sen^r, of Boston. [*Approved March 23, 1699–1700.*]

CHAPTER 48.

RESOLVE FOR ALLOWING THIRTY POUNDS TO JAMES MAXWELL FOR HIS SERVICES AS DOORKEEPER AND MESSENGER, ETC., FOR ONE YEAR ENDING JUNE 8, 1700.

Resolved, That there be allowed and paid out of the public treasury of this province to M^r James Maxwell, for a year's service, which will expire the eighth day of June next, the sum of thirty pounds. [*Approved March 23, 1699–1700.*]

CHAPTER 49.

RESOLVE APPOINTING A COMMITTEE TO INQUIRE AND REPORT, ETC., ABOUT THE PURCHASE OF LANDS FOR CERTAIN INDIANS AT TIVERTON. [*Approved March 23, 1699–1700.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 50.

VOTE APPOINTING A COMMITTEE TO INQUIRE INTO AND REPORT UPON THE EXPEDIENCY OF MAINTAINING THE NEW BRIDGE OVER TAUNTON GREAT RIVER, AND THE PROPER DISTRIBUTION OF THE EXPENSE AMONG ADJACENT TOWNS.

A PETITION of the selectmen of the town of Taunton, praying some help from the province for the new bridge over Taunton Great River at the southerly part of s^d town, was sent up from the house of representatives with their vote thereon, that Capt. Josia Edson, M^r Joseph Kent, and M^r John Hunt, be a committee to make enquiry whether the said bridge be deemed necessary and of public use, and if it appear to be so, then to consider the benefit the towns of Freetown, Tiverton, Little Compton and Dartmouth have thereby, that if they are not otherwise burthened with their own bridges they may be ordered, respectively, to contribute a suitable and equitable proportion towards the building and maintaining the said bridge, and that the charge of the committee be borne by the petitioners and the said committee to make report to the next session of this court. [*Concurred in by the Council, and approved March 23, 1699–1700.*]

CHAPTER 51.

RESOLVE APPOINTING A COMMITTEE TO AUDIT THE ACCOUNT OF JOHN ARNOLD, FORMERLY KEEPER OF THE JAIL IN BOSTON, OF HIS CHARGES FOR KEEPING JOSEPH DUDLEY AND OTHERS, POLITICAL PRISONERS IN THE YEAR 1689, AND ALSO FOR KEEPING PRISONERS CHARGED WITH WITCHCRAFT IN THE YEAR 1692-3, AND FOR EXPENSES OF REPAIRS ON THE JAIL, ETC.

A PETITION and accompt of John Arnold, keeper of his maj^{ties}. goal in Boston, was presented, praying an order for paym^t to be made to him of several arrears owing from the year 1689, and since ; upon reading of which petition at the board, —

Resolved, That the said accompt be referred unto an auditor committee to examine the same, and that Elisha Hutchinson, Peter Sergeant and John Walley, Esq^{rs}, be a committee of this board to join with John Leveret, Esq^r, Capt. Andrew Belcher and M^r Samuel Phips, named a committee by the assembly, to examine and audit the said accompt, and to make report thereof unto the general assembly at their next session.
[*Approved March 23, 1699-1700.*]

CHAPTER 52.

RESOLVE FOR POSTPONING ACTION ON THE REPORT OF THE COMMITTEE APPOINTED TO SET OFF TWO PRECINCTS IN WATERTOWN, AND FOR CONTINUING IN FORCE THE ORDER OF JULY 20, 1699.*
[*Approved March 23, 1699-1700.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

* Chapter 29, *ante*.

RESOLVES, ORDERS, VOTES,
ADDRESS,
DRAUGHT OF A CHARTER,
LETTERS, ETC.,

PASSED 1700-1.

LEGISLATIVE LIST

FOR

1700-1.

HIS EXCELLENCY RICHARD, EARL OF BELLOMONT,
CAPTAIN-GENERAL, AND GOVERNOR-IN-CHIEF, ETC.*

WILLIAM STOUGHTON, Esq.,
LIEUTENANT- OR DEPUTY-GOVERNOR, ETC.
(ACTING GOVERNOR FROM JULY 17, 1700)

ISAAC ADDINGTON, Esq.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.

Of the inhabitants of, or proprietors of, lands within the territory formerly called the Colony of the Massachusetts Bay:—

| | |
|--------------------------|------------------------|
| WILLIAM STOUGHTON, Esq., | ISAAC ADDINGTON, Esq., |
| JOHN PYNCHON, Esq., | JOHN PHILLIPS, Esq., |
| WAIT WINTHROP, Esq., | JONATHAN CORWIN, Esq., |
| JAMES RUSSELL, Esq., | JOHN FOSTER, Esq., |
| ELISHA COOKE, Esq., | PETER SERGEANT, Esq., |
| JOHN HATHORNE, Esq., | DANIEL PEIRCE, Esq., |
| ELISHA HUTCHINSON, Esq., | PENN TOWNSEND, Esq., |
| SAMUEL SEWALL, Esq., | JOHN APPLETON, Esq., |
| WILLIAM BROWNE, Esq., | JOHN HIGGINSON, Esq., |
| SAMUEL PARTRIGG, Esq. | |

Of the inhabitants of, or proprietors of, lands within the territory formerly called New Plymouth:—

| | |
|-------------------------|-------------------------|
| BARNABAS LOTHROP, Esq., | NATHANIEL THOMAS, Esq., |
| JOHN THACHER, Esq., | NATHANIEL BYFIELD, Esq. |

* For the full title, see p. 211, *ante*. Bellomont set sail from Boston, for New York, July 17, 1700, and never returned. A rumor of his death, which occurred March 5, 1700-1, reached Boston March 15th, (on which day the Assembly was prorogued), and was confirmed by letters received through the mail on Saturday, the 22nd. Stoughton, who had been acting governor during his absence, assumed the post of chief executive as his successor by virtue of the clause in the Governor's commission, referred to in note § on the first page of the legislative list for the year 1699-1700.

Of the inhabitants of, or proprietors of, land within the territory formerly called the Province of Maine: —

ELIAKIM HUTCHINSON, ESQ., JOSEPH HAMMOND, ESQ.,
BENJAMIN BROWNE, ESQ.*

Of the inhabitants of, or proprietors of, land within the territory lying between the river of Sagadahoc and Nova Scotia: —

JOSEPH LYNDE, ESQ.
For the Province, at large: — †
JOHN WALLEY, ESQ.

REPRESENTATIVES OR DEPUTIES.

May 29, 1700 to April 19, 1701.

JOHN LEVERETT, ESQ., SPEAKER.

| COUNTY OF SUFFOLK. | | COUNTY OF SUFFOLK — <i>Concluded.</i> | |
|--------------------|---|---------------------------------------|--|
| <i>Boston,</i> | Capt. Timothy Clarke, Mr. Isaiah Tay, Mr. James Barnes, Capt. Bozoun Allen ‡ | <i>Medfield,</i> | Capt. Samuel Barbur. |
| <i>Roxbury,</i> | Capt. Timothy Stevenes § | COUNTY OF MIDDLESEX. | |
| <i>Dorchester,</i> | Capt. Samuel Clap. | <i>Charlestown,</i> | Mr. Samuel Phipps,** Mr. Jacob Greene, jun †† |
| <i>Milton,</i> | Capt. Thomas Vose. | <i>Cambridge,</i> | John Leverett, Esq., †† |
| <i>Braintree,</i> | Capt. James Brackett. | <i>Newton,</i> | Mr. James Trowbridge. |
| <i>Weymouth,</i> | Capt. Stephen French. | <i>Watertown,</i> | Corporal John Page. §§ |
| <i>Hingham,</i> | Corporal Joshua Beales. ¶ | <i>Sudbury,</i> | Deacon Peter King |
| <i>Dedham,</i> | Capt. Daniel Fisher. | <i>Marlborough,</i> | Mr. Thomas How. |
| | | <i>Coneord,</i> | Capt. James Minot, Esq. ¶¶ |

* "May 30, 1700. . . . Mr Samuel Donnell one of the said new elected Councillours, also waited upon his Excellency in Council and prayed his Lord^{sh}s exense from Serving in that Station

Wherenpon his Excellency accepted the said Donnells excuse accordingly, and signified under his Hand upon the List presented to him his approbation, and Consent unto the Election of the Other Twenty Seven Persons therein named for Councillours, or Assistants for the Year ensuing and ordered the Secretary to Carry the sd List back unto the House." — *Council Records, vol. VII., p. 73.*

"May 31, 1700. . . . Then his Excellency took the Chair again, and directed that the Court proceed to the Election of a Conncellor, of an Inhabitant of or Proprietor of Lands within the Territory formerly called the Province of Main, in the stead or room of Mr Samuel Donnell who being chosen had moved to be excused.

Wherenpon the Council and Assembly proceeded to the Election of a Councillour accordingly, and their Votes being collected, Sorted and Numbred, Benjamin Brown Esqr was chosen to the said Office by the Greater Number of Votes." — *Ibid., p. 77.*

Browne took and subscribed the qualifying oaths, etc., on the fourth of June, when he and Higginson, who was qualified with him, took their seats at the Board.

† This is the first election of nineteen councillors for the territory of Massachusetts Bay. It was done for this year only, under a new agreement between the two branches of the Legislature. See chapter I, of the resolves of this year, *post*. From this time forth the two councillors at large, who had been annually recorded as of the local divisions in which they respectively resided, were properly recorded as separately elected.

‡ Mr. Nathaniel Oliver was chosen at the first election but refused to serve, wherenpon Capt. Allen was immediately chosen in his place.

§ "Stevens," in the Secretary's list.

|| "Sergeant," in the town records and "Bracket" in the town records, and the Secretary's list.

¶ "Corporal," and "Beale," in the town records, but "Mr.," and "Beal," in the Secretary's list.

** "Phips," in the Secretary's list.

†† "Green," in the town records and in the Secretary's list.

‡‡ "Leveret," in the town records, and in the Secretary's list, and "Esq.," in the latter.

§§ "Corporal," in the town records, but "Mr.," and "Paige" in the Secretary's list.

||| "Deacon," in the town records.

¶¶ "Capt.," in the town records, but "Esq.," in the Secretary's list.

COUNTY OF MIDDLESEX — *Concluded.*

| | |
|--------------------|------------------------|
| <i>Chelmsford,</i> | Mr. Joseph Hildreth.* |
| <i>Billerica,</i> | Capt. Joseph Tompson. |
| <i>Woburn,</i> | Capt. Edward Johnson † |
| <i>Reading,</i> | Capt. John Brown. |
| <i>Malden,</i> | Capt. William Green. |
| <i>Medford,</i> | Lient. Peter Tufts.‡ |
| <i>Sherburne,</i> | Deacon Obadiah Morse.§ |

COUNTY OF HAMPSHIRE.

| | |
|---------------------|------------------------------------|
| <i>Springfield,</i> | Mr. John Pyncheon, <i>tertius.</i> |
| <i>Northampton,</i> | Mr. John Clarke. |
| <i>Hudley,</i> | Mr. Daniel Marsh. |
| <i>Hatfield,</i> | Capt. Samuel Partrigg. |
| <i>Westfield,</i> | Mr. Isaac Phelps. |

COUNTY OF ESSEX.

| | |
|--------------------|--|
| <i>Salem,</i> | Capt. Manasseh Marston, Mr. Philip English ¶ |
| <i>Ipswich,</i> | Maj. Francis Wainwright, ¶ Deacon Nathaniel Knoulton.** |
| <i>Newbury,</i> | Lient. Tristram Coffin.†† |
| <i>Lynn,</i> | Capt. John Burrill, jun.‡‡ |
| <i>Marblehead,</i> | Capt. John Legg. |
| <i>Beverly,</i> | Mr. Samuel Balch. |
| <i>Wenham,</i> | Ensign Walter Fayerfield.§§ |
| <i>Rowley,</i> | Mr. John Dresser. |
| <i>Andover,</i> | Mr. John Abbott.¶¶ |
| <i>Haverhill,</i> | Mr. John White. |
| <i>Topsfield,</i> | Quartermaster Tobijah Perkins.¶¶¶ |
| <i>Boxford,</i> | Mr. John Pebody.*** |

COUNTY OF ESSEX — *Concluded.*

| | |
|--------------------|-----------------------|
| <i>Gloucester,</i> | Mr. Thomas Riggs |
| <i>Salisbury,</i> | Capt. Henry Trile. |
| <i>Amesbury,</i> | Mr. Thomas Fowler.††† |

COUNTY OF PLYMOUTH.

| | |
|---------------------|----------------------------|
| <i>Plymouth,</i> | Mr. Nathaniel Warren |
| <i>Scituate,</i> | Capt. Benjamin Stetson ††† |
| <i>Marshfield,</i> | Mr. Samuel Sprague. |
| <i>Bridgewater,</i> | Mr. Elihu Brett. |
| <i>Duxbury.</i> | Capt. Seth Arnold. |

COUNTY OF BARNSTABLE.

| | |
|--------------------|----------------------------|
| <i>Barnstable,</i> | Mr. Thomas Hineckley. |
| <i>Sandwich,</i> | Mr. Shearjashub Bourne.§§§ |
| <i>Yarmouth,</i> | Mr. Thomas Sturgis. |
| <i>Eastham,</i> | Mr. Israel Cole. |

COUNTY OF BRISTOL.

| | |
|------------------------|------------------------|
| <i>Bristol,</i> | Mr. Ebenezer Brenton. |
| <i>Taunton,</i> | Mr. Robert Crosman. |
| <i>Swansey,</i> | Mr. Ephraim Perce.¶¶¶¶ |
| <i>Rehoboth,</i> | Mr. John Hunt. |
| <i>Little Compton,</i> | Mr. Henry Head. |

COUNTY OF YORK. •

| | |
|-----------------|---------------------|
| <i>York,</i> | Mr. Samuel Donnell. |
| <i>Kittery,</i> | Mr. Charles Frost. |

ISLAND OF NANTUCKET.

Mr. James Coffin.

JOHN WHITE, *Clerk.*

JAMES MAXWELL, *Doorkeeper to the Governor, Council, and General Assembly.*¶¶¶¶

JOHN ARNOLD,
ELKANAH PEMBROOK, } *Messengers of the House of Representa-*
SIMEON MESSENGER, } *tives.*****

* Written "Heldrath," evidently by John Pebody, for Hildreth, who made his mark.

† "Chose Ensign John Peirce. He utterly refused. Chose Capt. Edw. Johnson. He said he could not, but was persuaded to." — *Town records.*

‡ "Lient.," in the town records, but "Mr.," and "Tufts," in the Secretary's list.

§ "Deacon," in the town records, but "Mr.," in the Secretary's list.

¶ Chosen May 20th, in place of Benjamin Lynde, who refused to serve.

¶¶ "Major," in the town records, but "Mr.," in the Secretary's list.

** "Deacon," in the town records, but "Mr.," in the Secretary's list, and "Knowlton," in both.

†† "Lieut.," in the town records, but "Mr.," in the Secretary's list.

‡‡ "Capt. John Burril," in the Secretary's list, but "John Burrill, jun.," in the town records.

§§ "Ensign," in the town records, but "Mr.," and "Fairfield," in the Secretary's list.

¶¶¶ "Abbot," in the Secretary's list

¶¶¶¶ "Quartermaster," and "Tobijah," in the town records.

*** "Peabody," in the Secretary's list. Lient. Perley was chosen with him "to serve by turns, one at a time." See note to Woburn in legislative list for 1696; also notes to Springfield and Hatfield, in legislative list for 1698.

††† "Fowler," in the town records, and in the Secretary's list.

‡‡‡ In the Secretary's list; but he does not appear to have taken or subscribed the qualifying oaths.

§§§ Subscribed the qualifying oaths, but not in the Secretary's list.

¶¶¶¶ "Pearce," in the town records.

¶¶¶¶ See resolve, *post*, 1701-2, chapter 29.

**** These messengers served specially at different times. See resolves, *post*, 1700-1, chapters 97, 98, 99.

RESOLVES, ORDERS, VOTES, ADDRESS, DRAUGHT OF A CHARTER, LETTERS, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-NINTH DAY OF MAY, A. D. 1700.

CHAPTER 1.

AGREEMENT BETWEEN THE COUNCIL AND REPRESENTATIVES AS TO
PROCEEDINGS IN THE CHOICE OF COUNCILLORS FOR THE YEAR
1700-1.*

CAPT. SAMUEL PARTRIGG, Mr. Brenton, Capt. French and Capt. Browne, members of the house of representatives, came up with a message from the house to acquaint his lordship and the board that the house had resolved to proceed in the election by putting in votes for nineteen counsellours for the late colony of the Massachusetts Bay, five for the late colony of Plimouth, three for the late province of Main, and one for Sagadahock, desiring the concurrence of the board therein; whereupon, the question being put, it passed in the negative, and Elisha Cooke, Esq^r, and the secretary, were ordered to acquaint the house therewith, and that the board were of opinion the former usage was the best; viz^t. First to elect eighteen for the territory formerly called the colony of the Massachusetts Bay, four for the territory formerly called the colony of Plymouth, one for the territory lying between the river of Sagadahock and Nova Scotia, three for the territory formerly called the province of Main, and then two at large within any part of the province.

After which, the s^d Capt. Partrigg, and other members of the house of representatives that came up with the afores^d message, came up a second time with a message from that house, that the house insisted upon their former resolve, which, being considered by the board and

* See, *ante*, chapter 10, of the resolves, etc., for the year 1692-3. Although from the beginning, the number of councillors chosen annually was distributed as follows: nineteen from the territory embraced in the former colony of Massachusetts, five from the territory formerly constituting Plymouth Colony, three from the province of Maine, and one from the territory east of the river Sagadahoc, it appears that two of these councillors were elected at large, and that therefore there was no departure from the rule established by the agreement of March 11, 1692-3, above referred to. The present agreement was the result of an attempt on the part of the representatives to make the above distribution, which had been accidental, permanent and regular. This attempt was opposed by the Council, and this chapter, which fixed the number of councillors to be chosen from the territory of the old colony of Massachusetts at nineteen, but left one still to be chosen at large, was agreed to as a compromise for this year only.

the question being again put for a concurrence, it past in the negative, and the board discovered their opinion to proceed in the former method, and ordered that Coll. Pyncheon, M^r. Cooke, Coll. Hathorne, Capt. Sewall and the secretary, acquaint the house of representatives therewith.

Then a message was again sent up from the house of representatives, that they adhered to their resolve.

Whereupon a conference was desired between the houses, and M^r. Speaker and the representatives came up to the council chamber, where, after a conference had, the council consented for this time to put in votes for nineteen for the late Massachusetts colony, the rest of the election to proceed according to former usage. [*Agreed to by both branches May 29.*]

CHAPTER 2.

RESOLVE FOR APPOINTING A JOINT COMMITTEE OF THE GENERAL COURT TO TREAT WITH THE COMMISSIONERS FROM CONNECTICUT RESPECTING THE BOUNDARY BETWEEN THAT COLONY AND THIS PROVINCE. [*Passed June 4.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 3.

RESOLVE APPOINTING A HEARING ON THE PETITION OF THE TOWN OF NEWTON RESPECTING THE MAINTENANCE OF THE GREAT BRIDGE OVER CHARLES RIVER, AND FOR NOTIFYING THE TOWN OF CAMBRIDGE THEREOF. [*Approved June 4.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 4.

RESOLVE FOR PAYING SEVEN POUNDS OUT OF THE PROVINCE TREASURY TO THEOPHILUS FARRINGTON OF LYNN, A SOLDIER WOUNDED IN THE KING'S SERVICE.

A PETITION of Theophilus Farrington, praying some relief from the province, he having lost one of his eyes in his majestie's service against the late French and Indian enemy, in the year 1690, with the *resolve* of the house of representatives thereupon, that there be paid out of the public treasury of the province seven pounds money to the s^d petitioner towards his relief and payments for his cure, was read at the board and the said resolve concurred with by the same. [*Approved June 7.*]

CHAPTER 5.

ORDER REFERRING TO THE NEXT SESSION THE PETITION OF THE INHABITANTS OF BERWICK PRAYING TO BE MADE A TOWNSHIP, AND FOR NOTIFYING THE TOWN OF KITTERY, ETC. [*Approved June 7.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 6.

VOTE FOR REMITTING TO THE TOWN OF WRENTHAM TWENTY POUNDS OF THE PROVINCE TAX ASSESSED UPON SAID TOWN IN THE YEAR 1696.

A PETITION of the inhabitants of the town of Wrentham, setting forth that the said town, by reason of the late war and other distressing providences of God, is brought very low, and therefore praying to be remitted the sum of twenty pounds assessed upon them as their proportion of a tax granted to his maj^{ty}s.* in the year 1696, was sent up from the representatives, with the *vote* of that house thereupon, that the said sum of twenty pounds be remitted to the petitioners and order issued to the treasurer accordingly. [*Concurred in by the Council, and passed June 7.*]

CHAPTER 7.

ORDER DIRECTING ELISHA HUTCHINSON TO PROCURE A SURVEY OF SIX HUNDRED ACRES OF LAND, TO INCLUDE THE THREE HUNDRED ACRES GRANTED TO HIS FATHER, EDWARD HUTCHINSON, IN 1674, ETC., AND TO MAKE RETURN THEREOF TO THE GENERAL COURT. [*Passed June 8.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 8.

VOTE FOR PAYING TWELVE POUNDS OUT OF THE PROVINCE TREASURY TO JOHN HARVEY OF AMESBURY, A SOLDIER WOUNDED IN THE KING'S SERVICE.

A PETITION of John Harvey of Aimsbury, praying some relief out of the province treasury towards paying for the cure of several wounds by him formerly received in his majestie's service, which lately broke out afresh, to the great hazard of his life, and to his great cost, besides his pains and loss of time he hath suffered thereby, was sent up from the representatives with the *vote* of the house thereupon, that there be paid to the petitioner the sum of twelve pounds out of the public treasury for his relief and full satisfaction for his cure. [*Concurred in by the Council, and approved June 10.*]

* *Sic.*

CHAPTER 9.

RESOLVE REJECTING THE PROPOSALS MADE BY THE COMMISSIONERS FROM CONNECTICUT, RESPECTING THE BOUNDARY LINE, AND FOR CONTINUING THE COMMITTEE APPOINTED TO TREAT WITH THEM
[*Passed June 10.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 10.

ORDER DIRECTING WILLIAM WHITING OF HARTFORD TO PROCURE A SURVEY OF ONE THOUSAND ACRES OF LAND GRANTED TO HIS FATHER, JOHN WHITING, IN 1684. [*Approved June 11.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 11.

VOTE FOR GRANTING FIFTEEN POUNDS OUT OF THE PROVINCE TREASURY TO SAMUEL AUSTIN OF CHARLESTOWN, FORMERLY OF WELLS, IN CONSIDERATION OF HIS SERVICES FOR THE PUBLIC.

Voted, That in consideration of divers good services formerly done for the publick by Samuel Austin, formerly of Wells, inholder, but now of Charlestown (he being now reduced to great want), the sum of fifteen pounds be granted to him and paid out of the publick treasury.
[*Approved June 12.*]

CHAPTER 12.

RESOLVE FOR TENDERING CERTAIN PROPOSALS BY THE GENERAL COURT TO THE COMMISSIONERS FROM CONNECTICUT, FOR SETTLING THE BOUNDARY BETWEEN THAT COLONY AND THIS PROVINCE.
[*Approved June 13.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 13.

RESOLVE APPOINTING A HEARING UPON THE PETITION OF THE TOWN OF FRAMINGHAM PRAYING TO BE MADE A TOWNSHIP, AND FOR NOTIFYING THE TOWN OF SHERBURNE, ETC. [*Approved June 13*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 14.

RESOLVE DETERMINING HOW THE EXPENSE OF REPAIRS ON THE GREAT BRIDGE IN CAMBRIDGE, OVER CHARLES RIVER, SHALL BE DEFRAYED. [*Approved June 13.*]

[*Printed in the note to the act of July 18, 1699.*]

CHAPTER 15.

VOTE FOR ADOPTING THE DRAUGHT OF AN ADDRESS* TO THE KING CONCERNING THE ENCROACHMENTS OF THE FRENCH, AND THE ESTABLISHMENT OF HARVARD COLLEGE.

THE ADDRESS to his majesty referring to the encroachments of the French, and for the settlement of the college, as reported by the committee, was read, and, with some alterations therein made, —

Agreed to and sent down to the house of representatives, and was again returned from that house with their concurrence thereto. [*Passed June 14.*]

CHAPTER 16.

RESOLVE APPOINTING A HEARING ON THE PETITION OF THOMAS HINCKLEY PRAYING THAT TWO HUNDRED ACRES OF LAND NEAR SECONET MAY BE LAID OUT TO HIM ACCORDING TO A FORMER GRANT, AND FOR NOTIFYING THE PROPRIETORS OF SECONET AND LITTLE COMPTON, ETC. [*Approved June 14.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 17.

VOTE APPOINTING A COMMITTEE TO SETTLE, ETC., THE BOUNDARY LINE BETWEEN THE TOWNS OF DEDHAM AND NATICK, AND TO MAKE RETURN OF THEIR DOINGS, ETC. [*Approved June 15.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

* No copy of this address has been discovered in the archives.

CHAPTER 18.

VOTE FOR APPROVING AND ALLOWING THE PROVINCE TREASURER'S
ACCOUNTS FROM MAY 31, 1699, TO MAY 27, 1700.

THE ACCOMPTS of Mr. James Taylor, treasurer and receiver-general of this province, beginning the 31st day of May, 1699, and continued unto the 27th of May, 1700, amounting unto the sum of thirteen thousand one hundred and seventeen pounds three shillings, having been presented and laid before the house of representatives and inspected by s^d. house, by which it appears there was standing out on the s^d. 27th of May, of the several assessments, three thousand seven hundred twenty-five pounds fourteen shillings and tenpence; in the hands of the farmers of the duty's of excise, one hundred fourteen pounds four shillings and sixpence; as also of the duty's of impost, etc., in the hands of John Walley, Esq^r., late commissioner, sixty pounds, to be drawn into the treasury and further to be accompted for, —

Voted, That the s^d. accompts, in the several articles of receipts and payments therein mentioned, amounting unto nine thousand two hundred seventeen pounds three shillings and eightpence, be and hereby are approved and allowed of, and the said treasurer is hereby discharged of the said sum of nine thousand two hundred and seventeen pounds three shillings and eightpence. [*Approved June 15.*]

CHAPTER 19.

VOTE FOR CONFIRMING AN ORDER OF THE GENERAL COURT OF THE
LATE PLYMOUTH COLONY FOR SEPARATING THE CHURCH AND
SOCIETY UPON THE NORTH RIVER IN SCITUATE FROM THE
LOWER SOCIETY IN SAID TOWN, AND ERECTING THEM INTO A
PRECINCT. [*Approved June 17.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 20.

ORDER, ON THE PETITION OF JOSEPH ESTABROOK, AND OTHERS,
PRAYING FOR A GRANT OF THE LAND AT NASHOBA FOR A TOWN-
SHIP, APPOINTING A COMMITTEE TO VIEW THE SAME AND RE-
PORT AT THE NEXT SESSION; ALSO DIRECTING THAT THE GRANT
OF ONE THOUSAND ACRES TO SIR HENRY ASHURST BE LAID OUT
THEREIN, ETC. [*Approved June 17.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 21.

VOTE, ON THE PETITION OF THE TOWN OF BOXFORD PRAYING THAT ENDICOTT'S AND GOULD'S FARMS, FORMERLY ORDERED TO BE TAXED IN TOPSFIELD, MAY BE TAXED IN BOXFORD, APPOINTING A COMMITTEE TO VIEW THE PREMISES AND REPORT, ETC. [*Approved June 17.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 22.

VOTE FOR PAYING TEN POUNDS OUT OF THE PROVINCE TREASURY TO THE TOWN OF YORK, TOWARDS THE SUPPORT OF THE MINISTRY THERE, ETC.

A PETITION of Samuel Donnel, representative for the town of York, praying some supply out of the public treasury towards the maintenance of the minister in said town, was sent up from the representatives with the *vote* of that house thereupon, that there be paid out of the public treasury for the help of the said town of York, for and towards the support of the ministry of said town for the year ensuing, the sum of ten pounds. [*Concurred in by the Council, and approved June 17.*]

CHAPTER 23.

VOTE FOR PAYING FIVE POUNDS OUT OF THE PROVINCE TREASURY FOR REPAIRING THE HIGHWAY TO CONNECTICUT, BETWEEN WORCESTER AND BROOKFIELD.

A REPRESENTATION made by John Pyncheon and Samuel Partrigg, Esq^{rs.}, John Clark, Isaac Phelps and Haniel Marsh, that the stated road to Connecticut, especially betwixt Worster and Brookfield, is very much incumbered with trees fallen and many rocky swamps and other obstructions to travellers, drovers and others, to the hazarding life or limb of both men and horses, was sent up from the representatives with the *vote* of that house thereon, that the sum of five pounds be paid out of the public treasury of this province for the mending the road aforesaid, when it is mended and rendred conveniently passable, and that the said John Pyncheon and others, above named, be a committee to take care of the performance of s^d. affair. [*Concurred in by the Council, and approved June 17.*]

CHAPTER 24.

RESOLVE FOR ESTABLISHING THE BOUNDARIES BETWEEN FREETOWN AND TIVERTON. [*Approved June 17.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 25.

VOTE ON THE PETITION OF THE TOWN OF BILLERICA APPOINTING A COMMITTEE TO VIEW AND SETTLE THE BOUNDARY LINES BETWEEN SAID TOWN AND BLOODS' FARMS, AND BETWEEN SAID TOWN AND THE TOWNS OF CONCORD AND CHELMSFORD. [*Approved June 20.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 26.

VOTE FOR AUTHORIZING THE GOVERNOR, ETC., TO TAKE MEASURES AT THE EXPENSE OF THE PROVINCE FOR THE RECOVERY OF CAPTIVES IN THE HANDS OF THE INDIANS.

A PETITION of Samuel Gill of Salisbury, praying y^t such assistance may be granted as shall be effectual for obtaining the liberty of his son, Samuel Gill, and others that are captives in the hands of the French and Indians, was sent up from the representatives with the *vote* of that house thereon, that his excellency, with the advice and consent of the council, take such care for the recovery of the captives that are in the hands of the French and Indians as in their wisdom shall see meet, at the charge of the province. [*Concurred in by the Council, and approved June 20.*]

CHAPTER 27.

RESOLVE FOR APPOINTING A COMMITTEE TO ASCERTAIN THE SOUTHERNMOST PART OF CHARLES RIVER, ETC., AND TO FIND THE SOUTHERN LINE OF THE COLONY OF MASSACHUSETTS BAY AS IT WAS RUN BY NATHANIEL WOODWARD AND SOLOMON SAFERY. [*Approved June 21.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 28.

VOTE FOR PAYING TEN POUNDS AND AN ANNUAL PENSION OF FOUR POUNDS OUT OF THE PROVINCE TREASURY TO JOHN BAKER OF SWANZEY, A SOLDIER WOUNDED IN THE KING'S SERVICE.

A PETITION of John Baker of Swanzezy, a souldier wounded in his maj^{tie's} service, praying relief from the public in consideration thereof, was sent up from the representatives with the *vote* of that house thereon, that there be paid to the petitioner for his present reliefe, ten pounds out of the treasury of the province, and for the future a pension of four pounds per annum till this court shall see cause to order otherwise. [*Concurred in by the Council, and approved June 22.*]

CHAPTER 29.

RESOLVE APPOINTING A HEARING ON THE PETITIONS OF THE INHABITANTS OF THE MIDDLE AND EASTERLY PARTS OF WATERTOWN, RELATING TO THE SUPPORT OF THE MINISTRY. [*Approved June 22.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 30.

VOTE DIRECTING JOHN WADE TO PROCURE A SURVEY OF EIGHT HUNDRED ACRES OF LAND, GRANTED TO HIS GRANDFATHER, JONATHAN WADE, LATE OF IPSWICH, DECEASED, IN 1661. [*Approved June 22.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 31.

VOTE FOR PAYING SIX POUNDS OUT OF THE PROVINCE TREASURY TO MARGERY WILLIAMS, RELICT OF ROBERT WILLIAMS, LATE OF BOSTON, DECEASED, IN FULL SATISFACTION OF A GRANT OF EIGHT POUNDS MADE TO HIM BY THE GENERAL COURT OF THE LATE COLONY OF MASSACHUSETTS BAY.

A PETITION of Margery Williams, relict of Robert Williams, late of Boston, dec^d, praying that payment may be made her of eight pounds, which the general court of the late colony of the Massachusetts, held in May, 1691, ordered to her said late husband in country pay, for his (then) last year's service for the country, was sent up from the representatives with the *vote* of the house thereon, that there be paid to the petitioner six pounds money out of the public treasury of this province, in full satisfaction of the said order of the general court aforesaid. [*Concurred in by the Council, and approved June 24.*]

CHAPTER 32.

ORDER FOR ERECTING THE PLANTATION CALLED FRAMINGHAM INTO A TOWNSHIP BY THE SAME NAME. [*Approved June 25.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 33.

ORDER FOR CONTINUING AND FURTHER DIRECTING THE COMMITTEE TO SETTLE, ETC., THE BOUNDARY LINE BETWEEN THE TOWNS OF DEDHAM AND NATICK, ETC. [*Approved June 26.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 34.

VOTE FOR PAYING TWELVE POUNDS OUT OF THE PROVINCE TREASURY TO THE MINISTER OF THE FRENCH PROTESTANT CONGREGATION IN BOSTON, FOR THEIR ENCOURAGEMENT AND HIS SUPPORT.

A PETITION of John Rawlings, Peter Chardon and René Grignon, elders of the French congregation in Boston, praying for some assistance for their subsisting of their minister, was sent up from the representatives with the *vote or resolve* of that house thereupon, that for their encouragement as strangers, and for the carrying on the public worship of God amongst them, there be paid unto their minister twelve pounds out of the publick treasury. [*Concurred in by the Council, and approved June 29.*]

CHAPTER 35.

ORDER APPOINTING A COMMITTEE TO SELECT, ETC., LANDS FOR THE ACCOMMODATION OF THE INDIANS OF TIVERTON, AND TO REPORT THEREON AT THE NEXT SESSION. [*Approved June 29.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 36.

RESOLVE FOR REVIVING AND CONTINUING, ETC., THE COMMITTEE APPOINTED JULY 19, 1699, TO EXAMINE, ETC., THE ACCOUNTS OF CLAIMS, ETC., UNDER THE GOVERNMENT OF SIR EDMUND ANDROS, ETC., AND FURTHER DIRECTING THEM; ALSO FOR ALLOWING FIFTY POUNDS OUT OF THE PROVINCE TREASURY TO BE EQUALLY DIVIDED AMONG SAID COMMITTEE, AS A REWARD FOR THEIR SERVICE.

Resolved That the Committee by this Court Appointed in the session thereof begun and held at Boston May 31. 1699. To Inspect the Acc^{ts} of the Debts claimed for Wages, and Service done for the Publick &c. during the time of S^t Edmund Androsse his Governm^t be revived, and Continued a Com^{tee} for the Affair afores^d untill The next session of this Court.

That Advertisements be sent forth by s^d Co^mittee throughout this Province, to notify all Persons concerned to bring in their Claims, to them. and

That The sum of fifty Pounds be allowed and Paid out of the Publick Treasury to the Gentlemen of Said Committee, equally to be divided amongst them, as a present Acknowledgm^t of their service. [*Approved July 2.*]

CHAPTER 37.

ORDER FOR ANNEXING TO THE TOWN OF MARLBOROUGH CERTAIN LANDS FORMERLY RESERVED FOR AN INDIAN PLANTATION. [*Approved July 2.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 38.

ORDER FOR ANNEXING TO THE TOWN OF FRAMINGHAM THE FARMS OF DAVID RICE, THOMAS DRURY, AND OTHERS, ADJACENT TO THE TOWN OF SUDBURY, ETC. [*Approved July 5.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 39.

RESOLVE FOR ALLOWING AND GRANTING THIRTY POUNDS OUT OF THE PROVINCE TREASURY TO BE EXPENDED BY THE GOVERNOR, FOR SECRET INTELLIGENCE, ETC.

Resolved That the Sum of Thirty Pounds, be Allowed and Granted, out of the publick Treasury: to be Disposed of by his Excellency for Secret Intelligence. for the service of the Province. [*Approved July 5.*]

CHAPTER 40.

VOTE FOR ALLOWING AND PAYING EIGHTY POUNDS OUT OF THE PROVINCE TREASURY TO JOHN ARNOLD, LATE KEEPER OF THE PRISON IN BOSTON, IN FULL SATISFACTION OF ALL ACCOUNTS PRESENTED BY HIM TO THE GENERAL COURT.

A REPORT of the co^mittee, appointed by the general assembly at their session in March last, to examine and audit the accompts of John Arnold, prison keeper in Boston, was sent up from the representatives with the *vote* of that house thereupon, that the sum of eighty pounds be allowed and paid out of the public treasury to the said John Arnold, in full of all accompts by him laid before the general assembly. [*Coucurred in by the Council, and approved July 8.*]

CHAPTER 41.

VOTE FOR ALLOWING AND PAYING SIXTEEN POUNDS OUT OF THE PROVINCE TREASURY TO THE TOWN OF WELLS TOWARDS THE SUPPORT OF THE MINISTER AND BUILDING THE MEETING-HOUSE THERE.

A PETITION of James Gooch, on behalf of the town of Wells, praying some allowance towards the compleating a meeting-house now erecting in said town, and for the support of their minister, was sent up from the representatives, —

Voted That There be Allowed and Paid out of the Publick Treasury, the Sum of Ten Pounds towards the support of their Minister, and the sum of Six Pounds towards building their Meeting-House, to the abovenamed Town of Wells. [*Concurred in by the Council, and approved July 8.*]

CHAPTER 42.

RESOLVE FOR ALLOWING AND PAYING TWENTY POUNDS OUT OF THE PROVINCE TREASURY TO THE WIDOW OF SAMUEL STORER, LATE OF CHARLESTOWN, FOR HIS SERVICES IN THE LATE WAR AGAINST THE FRENCH AND INDIANS.

IN CONSIDERAC^{ON} of the Great service done by M^r Sam^l Storer, late of the Town of Charlestown dec^d, in the late War against the French and Indian Enemy

Resolved That the Sum of Twenty Pounds be Allowed and Paid out of the publick Treasury of the Province to the Widow of S^d Sam^l Storer. [*Approved July 8.*]

CHAPTER 43.

DRAUGHT OF AN ADDRESS TO THE EARL OF BELLOMONT, GOVERNOR, ETC., REQUESTING HIM TO USE HIS INFLUENCE WITH THE MINISTERS OF STATE IN ENGLAND TO PROMOTE THE OBJECTS OF THE ADDRESS OF THE GENERAL COURT TO THE KING.

THE DRAUGHT of an address unto his excellency, to improve his interest in his maj^{ty} and the ministers of state relating to the matters contained in the humble address of this court unto his maj^{ty}, being *agreed* upon by the committees of both houses, and reported by William Stoughton, Esq^r, chairman of the said committees, was read at the board and approved, and sent down to the representatives for concurrence. [*Concurred in by the House July 9.*]

To his Excellency Richard, Earl of Bellomont Captain General and Governour in Chief of his Maj^{ties} Province of the Massachusetts Bay in New England &c.

THE HUMBLE ADDRESS of the Council & Representatives of the s^d Province of y^e Massachusetts Bay.

R^t Hono^{ble}

It having pleased yo^r Excellency to consent and joyne with us in an humble Address to his Majesty referring to the Encroachments of the French in our Neighbourhood. as to boundarys & the priviledge of Fishing in the high Sea's on the Eastern Coasts. As also for a Settlement of the Colledge at Cambridge within this Province, agreeable to the Ends and Intent of the first Founders. And several Articles as the heads of a Charter for Incorporating of the said Colledge haveing been agreed to, we are bold to present the same herewith unto your Lord^{sh} And withal humbly to pray that your Lord^{sh} would be pleased to Improve your Interest in his Maj^{ty} and the Ministers of State on behalfe of this Province, for the obtainment of his Maj^{ties} Grace and Favour in those matters of so momentous and Important Concern contained in o^r s^d Address

We Repose an entire Confidence in your Lord^{sh}s good inclinations & favourable disposition to this People, and are very much Encouraged to hope that by yo^r Excy^s Mediation We may find the desired Success of our said humble Supplications to our Gracious Sovereign And we pray your Lord^{sh}s Advice what further Steps are fit to be taken by us in order thereto. yo^r Excy^s acceptance of the trouble of this Affayre will infinitely oblige us to acknowledge the same with all possible Gratitude — and for ever to remain as we Sincerely are.

R^t Hon^{ble}

Boston July 12th 1700

Yo^r Lord^{sh}s most humble

& most obedient Serv^{ts}

signed

Is.^a ADDINGTON *Sec^{ry}*

in the name & by order of y^e Council

JOHN LEVERETT *Speak^r*

In y^e name & by order of y^e Representatives

CHAPTER 44.

RESOLVE FOR ALLOWING SIXTY POUNDS TO ANTHONY CHECKLEY, ATTORNEY-GENERAL, FOR HIS SERVICES TO DATE.

THE PETITION of Capt. Anthony Checkley, attorney-general of this province, was returned from the representatives with the concurrence of that house with the resolve of the board thereupon, past the 22^d of June last, and then sent down; viz^t, —

Resolved. That there be Sixty pounds allowed the Pet^r for his Service hereunto. [*Approved July 9.*]

CHAPTER 45.

RESOLVE FOR AFFORDING RELIGIOUS INSTRUCTION TO, AND FOR PROMOTING TRADE, ETC., WITH, THE FRIENDLY INDIANS.

IN ORDER to the Setling of the Eastern Indians under Obedience to his Majesty.

Resolved, That it's highly necessary speedily to procure and send three able Learned Orthodox Ministers to have their residence among the said Indians and the Indians on Merrimack River, at such places as the Govern^r or Com^dander in chief by and with the Advice & Consent of the Council shall thinke fit to appoint, to Instruct them in the true Christian Religion.

That the said Ministers be allowed & paid the Sum of One hundred and Twenty pounds p^a annu Each for their Encouragement and Support.

That they be strictly prohibited from Trading with the Indians, or receiving anything from them, more than for their present accom^dation.

And that they be advised to invite them to embrace the true Christian Religion by extending Charity to them from time to time as Occasion may present.

That the Hon^{ble} Gentlemen Agents of the Corporation for Propagating the Gospel amongst y^e Indians be applyed unto. That the said yearly allowance to the Ministers so Employed, or the greater part thereof may be advanced and paid out of the Stock under their Management, and the profits thereof; And that they would improve their Interest in the Corporation for the Obtaining of larger Allowances towards the carrying on of said worke.

That the Neighbouring Provinces & Colonys be applyed unto and excited to joyne their assistance in carrying on so necessary and pious a worke.

That a Trading house with a sutable Fortification be Erected in such place in Casco Bay where the Governour or Commander in Chief with the Advice and consent of the Council shall think most proper.

That a Smith be kep't at the s^d Trading house and that the Indians have their Fire armes & Hatchets amended and repaired from time to time at a reasonable charge.

That the Sum of three hundred pounds be advanced and paid out of the Publick Treasury of the Province for and towards the building s^d Fortification and Trading house.

That this Government do Support the whole charge of the carrying on and maintaining of what is herein before proposed and directed over and above such Assistance as shall be Obtained from the Neighbouring Governments, and the Hon^{ble} the Corporation for the Indian Affayr.

That his Excell^{cy} be humbly prayed to Endeavour that the like care and Provision may be had and made for the Indians within the Province of New-Yorke under his Lord^{sh} Government, for the Supplying of them with able Learned Ministers and otherwise as herein is proposed. — . [Approved July 9.

CHAPTER 46.

RESOLVE ESTABLISHING THE SALARY OF THE PRESIDENT OF HARVARD COLLEGE AND REQUIRING HIM TO RESIDE IN CAMBRIDGE; ALSO APPOINTING A COMMITTEE TO NOTIFY INCREASE MATHER OF HIS ELECTION TO THAT OFFICE, ETC.

In the House of Representatives July 9th 1700

Resolved That the Sum of Two Hundred and Twenty Pounds ^p ann^y be Allowed and Paid out of the Publick Treasury, to the President of Harvard Colledge, already chosen, or that shall be chosen by this Court.

That the Person chosen President of Harvard Colledge Shall reside at Cambridge

That Cap^t Tim^s Clark, Cap^t Sam^l Phipps, and Cap^t John Burrill, be a Co^mittee to join with a Co^mittee of the Board, To wait on the Reverend M^r Increase Mather, and acquaint him, that this Court hath chosen him Presid^t of Harvard Colledge, and Desire's, him to accept of s^d office and so, Expect's, that he Repair to & reside at Cambridge, as soon as may be; The s^d Co^mittee to make Report of S^d Presid^ts Answer to this Court.

Sent up for Concurrence.

JOHN LEVERETT *Speaker*

In Council July. 10th 1700. Read and Voted a concurrence And that Samuel Sewall Esq^r with the persons abovenamed by the house of Representatives wait on m^r Mather on the Message abovesaid.

Is^a ADDINGTON *Sec^y*.

[*Approved July 10.*

CHAPTER 47.

RESOLVE FOR REFERRING THE ACCOUNT OF JOHN USHER, TREASURER OF NEW ENGLAND UNDER THE ADMINISTRATION OF SIR EDMUND ANDROS, TO A JOINT COMMITTEE TO INSPECT, ETC., THE SAME, AND REPORT.

Resolved, That the accompt of John Usher, Esq^r, returned by the co^mittee appointed to inspect the accompts of debt for wages and service done for the public during the time of S^r Edmund Andros's government, not acted upon, be referred to the committees of both houses, for their consideration and report thereon to whom the petition of said Usher is referred. * [*Approved July 10.*

CHAPTER 48.

RESOLVE FOR ALLOWING TWO HUNDRED POUNDS TO JAMES TAYLOR, TREASURER OF THE PROVINCE, FOR HIS SERVICES IN THE YEAR 1699-1700.

Resolved, That the sum of two hundred pounds be allowd and paid out of the public treasury unto M^r James Taylor, treasurer and receiver-general of this province, for his service in said office the year past. [*Approved July 10.*

* This committee on Usher's petition, was appointed July 9.

CHAPTER 49.

RESOLVE CONSTITUTING THE COMMITTEE APPOINTED JULY 19, 1699, TO EXAMINE, ETC., THE ACCOUNTS OF CLAIMS, ETC., UNDER THE GOVERNMENT OF SIR EDMUND ANDROS, ETC., A COMMITTEE TO GRANT DEBENTURES, ETC., AND LIMITING THE TIME FOR THE RECEPTION OF CLAIMS BY SAID COMMITTEE.

Resolved That Peter Sergeant, John Walley Esq^r: Cap^t Jacob Green, M^r: Francis Burroughs, & M^r: Joseph Parsons. (Continued a Committee, to Inspect the Acc^{ts} of Debts for Wages, and service done for the Publick &cⁿ during the time of S^r Edm^d: Androsse's Governm^t) be & hereby are App^{ted} and Impowered a Committee they or any three of them to Grant Debenturs to all Such Credit^{rs} as to their Satisfaction, Shew forth their Claims to be just and due. such Debenturs to be directed to the Treasurer of the Province, and he to make Paym^t accordingly.

That all Claim^{rs} of Debts as afores^d Shall if the Committee afores^d see meet, be put upon Swearing before* before them, what they haue received already either as wages, or of the Commissary.

That the Committee afores^d have Power to make such Deductions, and Alterac^{ns}, as upon further Informacⁿ there may be reason for, and that none haue Debenturs but the Persons to whom, they are due or such as legally represent them. and

That S^d Committee shall receive Claims from Persons in the Province, for and by the Space of halfe a year and no longer from this time, and from such as are out of the Province till next May-session of this Court & no longer. which They the s^d Committee are to signify in their Advertisem^{ts} [Approved July 10.]

CHAPTER 50.

VOTE FOR ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED TO INQUIRE INTO, ETC., THE EXPEDIENCY OF MAINTAINING THE NEW BRIDGE OVER TAUNTON GREAT RIVER, AND FOR APPORTIONING THE EXPENSE OF REBUILDING SAID BRIDGE.

W^hAREAS we the subscribers, were appointed a Committee by the Greate and Generall Court or asembly for his maj^{ty} prouince of the masachusetts Bay, at thir Last setting march y^e 23: day: 1699: to inquire and make Report concerning the building of a bridge ouer taunton Great Riuer at the southerly peart of said taunton, and the nesesaty thereof, as allso the publick use, And to consider the Benifit the towns of freetown, tiuertown, Littell compton and Dartmouth haue thereby &c: In order thereunto we haue ear^{ful}ly made inquirey as to the premises, of the seuerall towns and allso haue bin at taunton, And upon our best information with the best of our judgements, Do finde that the building of a bridge there will be of nery Great use and benifit to the publick, and in a speshall maner to the southerly parts, and in perticular to the town of taunton freetown, tiuer town, Littell compton, and the chefest part of dartmouth And allso we haue information

* Sic.

from dartmouth that thay haue but two Bridges in thir town, and at Littell compton thay haue non, nor at tiuertown, and at freetown thay haue but one,

and so we subscribe your honours servants.

JOSIAH EDSON

JOSEPH KENT

JOHN HUNT

Voted That the above Report be accepted, & the Towns therein named, be at the charge of Rebuilding the Bridge theire mentioned, And that the Comitte^d be a Comitte^e to Proportion, the Charge that each of the Towns abovementioned shall bear towards Rebuilding S^d Bridge. [*Approved July 10.*]

CHAPTER 51.

RESOLVE AND ORDER FOR EXPLANATION OF A FORMER ORDER RELATING TO FRAMINGHAM AND ANNEXING THERETO ALL THE LANDS IN SHERBURNE WHICH, IN 1679, BELONGED TO THOMAS DANFORTH AND WERE EXCEPTED IN THE CONFIRMATION OF THE TOWNSHIP OF SHERBURNE BY THE GENERAL COURT. [*Approved July 11.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 52.

DRAUGHT OF A CHARTER OF INCORPORATION FOR HARVARD COLLEGE, TO BE SOLICITED OF THE KING; AND THE VOTE FOR APPROVING THEREOF.

DRAUGHT of a Charter of Incorporation for Harvard Colledge at Cambridge in New-England, *agreed* by the Council and House of Representatives of his Maj^{tie}'s Province of the Massachusetts Bay, to be humbly Solicited for to his Maj'ty. [*July 12.*]

William the Third by the Grace of God of England Scotland France and Ireland King Defender of the Faith &c. To All unto whom these presents shall come Greeting.

WHEREAS there hath been for many yeares in the Town of Cambridge in the County of Middlesex within our Province of the Massachusetts Bay in New England in America. A society commonly known by the name of Harvard Colledge where many persons of known worth have by the Blessing of Almighty God been educated, and the better fitted for publick Employments. both in the Church and in the Civil state And *whereas* due encouragement of good Literature Arts and sciences will tend to the honour of God the advantage of the Christian Protestant Religion and the great benefit of Our subjects inhabiting within our Province afores^d both in the present and succeeding generac^{ions} And *whereas* the Governour Council & Assembly of our s^d Province of the Massachusetts Bay in New England, by their humble Address have supplicated our Royal Grace and favour in the settlement of the afores^d

Colledge that it may be done in such manner as may effectually secure the same to be a nursery for the supplying the Churches in our s^d Province with able learned Ministers agreeable to the chief end and intent of the first Founders of the s^d Colledge —

Wee therefore being graciously pleased to gratify Our s^d subjects — Of our special Grace certain knowledge and meer motion Have Willed and Ordained And Wee do by these p^rsents for us, our heires and successors will & ordain That the s^d Colledge in Cambridge in the County of Middlesex within Our Province of the Massachusetts Bay in New England afores^d shall from henceforth be a Corporation consisting of seventeen persons That is to Say — A President Vice President and fifteen Fellows, And that Increase Mather shall be the first President Samuel Willard Vice President, James Allen Michael Wigglesworth—Samuel Torrey, Nehemiah Hubbard— Peter Thacher— Samuel Angier John Danforth, Cotton Mather, Nehemiah Walter, Henry Gibbs, John White, Jonathan Pierpont, and Benjamin Wadsworth, Masters of Art and all of them Inhabitants in our Province of y^e Massachusetts Bay afores^d together with the two senior Tutors resident at the s^d Colledge for the time being — shall be the fifteen Fellows, and the first seventeen persons whereof the s^d Corporation shall consist. Which s^d Increase Mather, Sam^l Willard, James Allen, Michael Wigglesworth — Samuel Torrey Nehemiah Hubbard Peter Thatcher Samuel Angier, John Danforth Cotton Mather Nehemiah Walter, Henry Gibbs, John White, Jonathan Pierpont Benjamin Wadsworth and the two senior Tutors residing at the s^d Colledge for the time being and their successors shall for ever hereafter be one body Politick and Corporate in Fact and name to all intents and purposes in Law, by the name of the President & Fellows of Harvard Colledge At Cambridge in New England — And that by that name they shall have perpetual succession And by the same name they and their successors shall and may be capeable and enabled as well to implead as to be impleaded — and to prosecute demand and answer and be answered unto in all and singular Suits causes quarrels & actions of what nature and kind soever — And also to have take acquire and purchase or receive upon free gift or donation any Lands, Tenements or hereditaments not exceeding the value of three Thousand pounds p^p annu. and any Goods Chattels sum or sums of money whatsoever, to the use and behoofe of the said Corporation And the same to lease grant demise Imploy and dispose with the revenues issues and profits thereof for the encouragem^t of Learning and of the President, Fellows, Schollars and Officers of the s^d Colledge as also for Accomodation of buildings Bookes and all other necessary provisions & furniture as may be for the advancem^t & Education of Youth in all manner of good Literature Arts and sciences —

Provided always

That all the s^d disposals be according to the will of y^e Donors. And Wee do further grant & ordain That the s^d President & Fellows & their successors may have for ever one coñon seal to be used in all Causes and Occasions of the s^d Corporation. And the same seal may alter, change break & new make from time to time at their pleasure.

And further Wee do for us, our heirs and successors grant, establish and ordain That the President, Vice President and Fellows of the s^d Corporation or any of them shall be removeable and may be displaced by the s^d Corporation for disability or misdemeanour. *saving* to the party grieved his appeal to the Visitors. And that when and so often from time to time as any of the s^d Corporation shall dye or be removed, the s^d Corporation shall be and is hereby impowred and authorized to elect a new President, Vice President or Fellows in the

room and stead of such Member or Members of the s^d Corporation So dying or removed. And that a Vice President of the s^d Corporation be annually elected upon y^e Co^mencement day from time to time, although not occasioned by death or removal as aforesaid. And Wee do further for us, our heirs and successors will and establish That when and so often as any Fellow of the s^d Corporation shall remove himselfe so as to be absent out of our Province of the Massachusetts Bay afores^d by the space of one whole year without leave of the Corporation he shall *ipso facto* be dismissed and no longer continue to be of the Corporation, and his place shall be supplied with the election of a new Member — And that upon the death or removal & dismissal of the President, Vice President or any of the Fellows Such vacancy shall be filled up within the space of three months next after. And further Wee do by these presents for us, our heires and Successors, grant establish and ordain That the President for the time being of the s^d Corpora^{co}n And in case of his death or absence the Vice President for the time being of the same shall and may from time to time appoint and order the assembling & meeting together of the s^d Corporation to consult, advise of debate and direct the affairs and buisnesses of the s^d Corporation, to choose Officers and menial servants for the s^d Colledge, and them also to remove and upon death or removal to choose such Others, and to make statutes, Orders and By Laws for the better ordering the affairs and governm^t of the s^d Colledge or Accademy, so as such Orders, Statutes and By Laws be not repugnant to the Laws of our s^d Province of the Massachusetts Bay — And that any ten or more of the Members of the s^d Corporation whereof the President or Vice President to be one being so assembled shall be taken held & reputed to be a full sufficient and lawful assembly for the handling, ordering and directing of the affairs buisnesses and occurrences of the s^d Corporation — And that in case of the death removal or absence of the President & Vice President the senior Fellow for the time being of the s^d Corporation may call & hold a Corporation meeting until the return or new election of a President or Vice President

Provided nevertheless,

And our Will & pleasure is That no meeting shall be held for the displacing or new Election of any Member or Members of the s^d Corporation, for the appointing of Tutors, for the making of statutes, orders or By Laws for ordering of the affairs & governm^t Of the s^d Colledge Or for the purchasing, selling or letting of Lands and Tenements or disposal of the stock or Revenues belonging to y^e s^d Colledge without sum^oning and notifying each member of the s^d Corpora^{co}n in writing of the time and occasion of calling such Meeting eight dayes at least beforehand. And Our further Will and Pleasure is That in y^e passing of all votes & acts of the s^d Corporation in any of y^e meetings thereof the determination shall be made by the major part of those assembled, and that the President have a casting Vote in case of an equivote — And also That there shall be held and kept a Quarterly Meeting of the s^d Corporation at the Colledge afores^d on the first Wednesday in March, June, September & December from time to time in every year successively. And Wee do by these presents for us, our heirs & successors. further grant establish & ordain. That the President of the s^d Corporation, as also all the Fellows & Tutors, thereof receiving salary shall reside at y^e Colledge afores^d and that no one shall enjoy a Fellowship or Tutorship wth Salary for more than seven years, unless continued by a new Election — And That the housing & Lands in Cambridge afores^d belonging to y^e s^d Corporation & being

in the personal Occupation of the President & Fellows residing at the s^d Colledge shall be exempt & free from all Rates & Taxes And likewise that the President & resident Fellows with their Domestick serv^{ts} shall be exempted from all personal Civil Offices Military Exercises Watchings & Wardings

And whereas It is a laudable Custom in Universities whereby Learning hath been encouraged & advanced to confer Accademical Degrees or Titles on those who by their good manners & proficiency as to knowledge in Theology, Law Physick Mathematicks or Philosophy have been judged worthy thereof: Wee do therefore further by these presents grant & ordain That the President and Fellows of the afores^d Corporation shall have power from time to time to grant and admit to Accademical Degrees as in the Universities in our kingdom of England such as in respect of Learning and good manners they shall find worthy to be promoted thereunto —

And whereas there have been heretofore divers gifts grants, devises of houses, Lands Tenem^{ts} Goods, Chattels Legacies & Conveyances made unto the afores^d Colledge or to the President and Fellows thereof successively Wee do hereby for us, our heires & successors ratify & confirme the s^d gifts, grants, devises, Leg[*acies] [*Conveyances] and every of them according to the true intent of the Donor or Donors, Granter or Granters, Devisor or Devisors And for preventing Irregularitys in y^e Governm^t of the s^d Colledge, We do hereby reserve a power of visitation thereof in our selfe our heirs & successors by our Governour or Comander in chief together with Our Council for the time being of our Province of the Massachusetts Bay afores^d to be exercised by Our s^d Governour or Comander in chief & Council when and so often as they shall see cause —

CHAPTER 53.

RESOLVE FOR ADVANCING AND PAYING FIVE HUNDRED POUNDS OUT OF THE PROVINCE TREASURY TO THE GOVERNOR, FOR MANAGING THE ADDRESS OF THE GENERAL COURT TO THE KING.

Resolved — That the sum of five Hundred Pounds be advanced and Paid out of the Publick Treasury of this Province to his Ex^{ty} the Govern^t to be Improved in managing the Adresse of this Court to the King [Approved July 12.

CHAPTER 54.

RESOLVE FOR ALLOWING FIFTY POUNDS TO WILLIAM STOUGHTON, CHIEF JUSTICE OF THE SUPERIOR COURT, ETC., FOR HIS SERVICES IN THE YEAR 1699-1700.

Resolved That the Sum of fifty Pounds be Allowed and Paid out of the Publick Treasury of this Province, to the Hon^{ble} William Stoughton Esq^t for his service the Year past, as Chief Justice of the Superiour Court [Approved July 12.

* Manuscript mutilated.

CHAPTER 55.

RESOLVE FOR ALLOWING AND PAYING FIFTY POUNDS TO INCREASE MATHER FOR HIS SERVICES AS PRESIDENT OF HARVARD COLLEGE IN THE YEAR 1699-1700.

Resolved That the Sum of fifty Pounds be Allowed and Paid out of the Publick Treasury, unto the Revrd M^r Increase Mather President of Harvard Colledge, for his service in s^d office the Year past. [*Approved July 12.*]

CHAPTER 56.

RESOLVE FOR ALLOWING AND PAYING THIRTY POUNDS TO LAWRENCE DENNIS IN PART FOR HIS DISBURSEMENTS FOR THE PUBLIC.

Resolved, That the sum of thirty pounds be allowed and paid out of the public treasury to Lawrance Dennis, as part of the debt due to him for his disbursements for the public. [*Approved July 12.*]

CHAPTER 57.

RESOLVE FOR ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED JULY 19, 1699, TO EXAMINE, ETC., THE ACCOUNTS OF CLAIMS, ETC., UNDER THE GOVERNMENT OF SIR EDMUND ANDROS, ETC., AND ORDERING THE PAYMENT BY THE PROVINCE TREASURER OF ONE-HALF OF THE WHOLE AMOUNT BY THEM FOUND DUE.

Resolved — That the Report of the Co^mittee App^{ted} to Inspect the Acc^{ts} of the Debts claimed for Wages, and service done for the Publick &c. Contracted during the time of the Govern^{mt} of S^r Edm^d Androsse be So far accepted As That halfe of what is Reported & Shall finally be found to be due by S^d Co^mittee, be Paid to each of the respective Credit^{rs} or Claim^{rs} out of the Tax rais'd the present session of this Court by the Treasurer of this Province. [*Approved July 12.*]

CHAPTER 58.

RESOLVE FOR ALLOWING TWELVE POUNDS TO JOHN WHITE, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES IN THE YEAR 1700-1.

Resolved, That the sum of twelve pounds be allowed and paid out of the public treasury unto M^r John White, said twelve pounds to be in part of what shall be allowed him for his service as clerk of said house this year. [*Approved July 13.*]

CHAPTER 59.

RESOLVE FOR APPOINTING A COMMITTEE TO PROVIDE A SUITABLE PLACE AT CAMBRIDGE FOR RECEIVING AND ENTERTAINING THE PRESIDENT OF HARVARD COLLEGE, ETC.

Resolved — That James Russell Esq^r Cap^t Sam^l Phipps, and Cap^t Stephen French be a Committee, to take Care that a suitable Place at Cambridge be Provided for the Reception and Entertainm^t of the Presid^t of Harvard Colledge, And to see and Consider what is meet to be done with respect to the House already built for a Presidents House [Approved July 13.

CHAPTER 60.

ORDER APPOINTING A COMMITTEE TO AGREE UPON THE HOUSE-RENT AND ACCOMMODATIONS FOR THE GOVERNOR AND TO REPORT TO THE GOVERNOR AND COUNCIL, ETC.

Ordered, That Elisha Hutchinson and John Walley, Esq^{rs}, Capt. Timothy Clark, M^r Isaiah Tay, M^r James Barns and Capt. Bozoun Allen, be a committee to agree with the parties concerned what shall be paid for the house-rent and accomodations of his excellency the governour, and to make report to the governour or commander-in-chief and council, in order to their ordering the payment thereof out of the publick treasury. [Approved July 13.

CHAPTER 61.

RESOLVE FOR EMPOWERING THE COMMITTEE APPOINTED TO AGREE UPON THE HOUSE-RENT, ETC., OF THE GOVERNOR, TO ARRANGE FOR RESERVING THE HOUSE, ETC., NOW OCCUPIED BY HIM, OR SOME OTHER, AGAINST HIS RETURN TO THE PROVINCE.

Resolved, That the committee appointed to agree what shall be paid for house-rent and accomodations for his ex^{cy} the governour, be also empowered to make agreement for reserving the house and accomodations which his excellency now occupies, or some other that they shall think suitable, until his excellencie's return to this his majestie's province. [Approved July 13.

CHAPTER 62.

RESOLVE FOR FIXING THE PAY, DEFINING THE DUTIES, AND PROVIDING FOR THE DRILL AND DISCIPLINE, OF THE OFFICERS AND SOLDIERS OF THE GARRISON AT CASTLE ISLAND.

*Resolved That it be humbly Proposed to his Excellency the Govern^r** That the Commission and Warrant Officers for the Castle, on Castle Island near Boston, and the severall souldiers, and others posted and sent thither in his Maj^{ties} service be paid out of the Publick Treasury. viz : The Captain one hundred Pounds *p ann^o* The Lieut^t performing the Duty of Lieut^t and Gunner eighty pounds *p ann^o* The Gunner's Mate Thirty Pounds *p ann^o* Every Private Centinel the usuall *King's* * Pay, and six men to have the name of Quarter Guñers, to be included in the number of the 20 already allowed *number*, * for the Castle in time of peace, shall be allowed ten shillings *p month*, more than the private Centinells, for Encouragem^t to learn to exercise the Duty of that place : Provided this Duty be by the aforementioned severall officers performed viz : That the Captain be upon the place at least three daies *and nights*, * in a week, and as oft else as extraordinary occasions call for him except in Case of sicknesse or something extraordinary may happen, or such time in the winter as he may obtain leave for, from the Com^{mander} in chief for the time being. That the Lieuten^t be constantly there except when he shall have leave from the Governor or Com^{mander} in Chief for y^e time being or from the Captm of y^e s^d Castle to be absent *in the Captain's absence, and as oft else as the captain shall see extraordinary occasions shall require*, * That the Guñers mate reside there, & farther that the Captain, and in his absence the Lieut^t do take care, That the men there in Pay be constantly disciplin'd more especially those that have extraordinary Pay for that end. That they Endeavour to make them expert in the Exercise of the great Artillery in Levelling, Traversing Loading and firing the Great Guns And to know the nature of them, and Thatt all Endeavours be used with them that they may be capable in time of actuall service to do the Duty which the Nature of that thing requires. [*Approved July 13.*

CHAPTER 63.

DRAUGHTS OF SEVERAL LETTERS TO THE LORDS COMMISSIONERS FOR TRADE, ETC., AND OTHER MINISTERS OF STATE, AND THE VOTE APPROVING THE SAME AND ORDERING THEM TO BE SIGNED, ETC.

A LETTER was drawn up, to the 1st hon^{ble} the lords-commissioners of the council for trade and plantations, to acquaint their lord^{ps} of the humble address made to his majesty by this court, referring to the encroachments made by the French as to boundaries and the fishing in the high seas on the eastern coasts, as also for a settlement of Harvard Colledge, and that the council and representatives had prayed the

* The words above, in italics, except the word *Resolved*, are omitted in the record, and are underscored in the original resolve in the archives. They were undoubtedly intended to be stricken out.

favour of his excellency the governour to accept the trouble of managing that affair, withal humbly to request their lordships to do the government the honour of presenting the said address to his majesty and to give countenance and favour thereto; and

Letters to several ministers of state, acquainting them of the said address and praying them to countenance and favour the same, were likewise drawn up,—

Which letters being read at the board were approved, and the secretary directed to sign the same in the name and by order of the council, and then were sent down to the house of representatives, and being approved, were returned, signed by the speaker in the name and by order of that house. [*Passed July 13.*]

R^t Hon^{ble}

The General Assembly of this his Ma^{ty}s Province of the Massachusetts Bay in New England having judged it necessary to renew their humble addresses to his most Excellent Ma^{ty} with reference to the Encroachm^{ts} of their ill Neighbours the French as to boundaries and fishing in y^e high seas on the Eastern Coasts; as also for a settlement of Harvard Colledge in Cambridge. within the s^d Province: And having likewise pray'd the favour of our truly noble and virtuous Governour the Earl of Bellomont to accept the trouble of managing that important affair

We the Council and Representatives of the Said Province make bold to acquaint your honour thereof, and humbly request that your Hon^r will be pleased to countenance and favour our humble applications to his Ma^{ty} as afores^d whereby we shall reasonably hope to obtain his Ma^{ty}s gracious acceptance and answer of the s^d Address, and that such order will be taken as will effectually preserve and secure his Ma^{ty}s Rights & Interests & y^e just properties & priviledges of his good subjects, and that y^e Colledge will receive the desired & agreeable settlement^t

We aske pardon for this trouble, and are with great respect.

R^t Hon^{ble}

Your Honours. Most humble and most obedient servants

Is^a ADDINGTON *Sec^{ry}*.

In the name & by order of the Council

JOHN LEVERETT *Speaker*—

In the name & by order of the Council *

Boston July 13th 1700.

† The within is Copy of a Letter

To the R^t Hon^{ble} James Vernon Esq^r one of his Ma^{ty}s Principal secretaries of state and of his Ma^{ty}s most hon^{ble} Privy Council

To the R^t Hon^{ble} Hugh Boscawen Esq^r one of his Ma^{ty}s most hon^{ble} privy Council.

To the R^t Hon^{ble} John Smith Esq^r one of his Ma^{ty}s most hon^{ble} privy Council &

To the R^t Hon^{ble} Charles Montague Esq^r one of his Ma^{ty}s most hon^{ble} privy Council

May it please yo^r Lordsh^{ps}

The General Assembly of this His Ma^{ty}s Province of the Massachu-

* *Sic*: miswritten for "the House of Representatives."

† That is, the same form was used for four separate letters to as many different persons.

setts Bay in New-England, having Judged it necessary to renew their humble Addresses to his most Excel^t Ma^{ty}. with reference to the Encroachm^{ts} of their ill-Neighbours the French, as to Boundaries & Fishing on the High Seas on y^e Eastern Coasts; as also for a Settle^{mt} of Harvard Colledge in Cambridge within the said Province and having likewise pray'd the Favour of Our Truly Noble and virtuous Gov^r the Earl of Bellomont, to accept the Trouble of managing that Important affair —

We the Council & Rep^rsentatives of the said Province, make bold to acquaint Yo^r Lordsh^{ps} thereof, & humbly request y^t yo^r Lords^{ps} will be pleased to do us the hon^r to p^rsent our said address to his Ma^{ty}, and to give it such Countenance & favour for the obtaining of the great ends therein proposed for the honour & Interest of the Crown, & the well being & repose of this his Ma^{ty}s Province as yo^r Lords^{ps} in yo^r great Wisdom shall think fit —

We ask pardon for this Trouble & are wth great respect

Yo^r Lordsh^{ps}

Most humble & most Obedient Serv^{ts}

ISA. ADDINGTON *Sec^{ry}*,

Boston July 13th 1700

in y^e name & by order of the Council

JOHN LEVERETT *Speaker*,

In y^e name & by ord^r of y^e house of
Representatives

Lords of the Council of Trade

CHAPTER 64.

ORDER PROVIDING FOR THE GOVERNMENT OF HARVARD COLLEGE
PENDING THE APPLICATION TO THE KING FOR A CHARTER, ETC.

WHEREAS this court have made their humble address unto his maj^{ty}. for his royal charter for incorporating of Harvard Colledge, in Cambridge, within this province, and the good government thereof, —

Ordered, That the reverend M^r. Increase Mather, nominated to be president of s^d. colledge, M^r. Samuel Willard, vice-president, M^r. James Allen, M^r. Michael Wigglesworth, M^r. Samuel Torry, M^r. Nehemiah Hubbard, M^r. Peter Thacher, M^r. Samuel Angier, M^r. John Danforth, M^r. Cotton Mather, M^r. Nehemiah Walter, M^r. Henry Gibbs, M^r. John White, M^r. Jonathan Pierpont and M^r. Benjamin Wadsworth, with the two senior tutors for the time being, nominated to be fellows of the said corporation, be and hereby are empowered to take the oversight, care and government of the s^d. colledge and students there, and to direct and order payment of salaries or allowances to the officers thereof out of the revenues, rents and profits of the grants, donations and stock to the colledge belonging, and to sue for, collect and receive all such rents, profits and incomes, until his maj^{ties}. pleasure shall be known referring to the settlement of said colledge, or that this court take further order therein. [*Approved July 13.*]

CHAPTER 65.

RESOLVE FOR AUTHORIZING THE GOVERNOR AND COUNCIL TO FILL ANY VACANCY CAUSED BY THE DEATH OR REFUSAL TO SERVE OF ANY OF THE COMMISSIONERS OF EXCISE.

Resolved, That if any of the commissioners for excise chosen by this court shall die or refuse to service in said office, that then it be left with the governour or commander-in-chief for the time being, with the council, to appoint others in their room. [*Approved July 13.*]

ORDERS, RESOLVES AND VOTE

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWELFTH DAY OF FEBRUARY, A.D. 1700-1.

CHAPTER 66.

ORDER APPOINTING A HEARING OF THE NATICK INDIANS ON THE
DIFFERENCE BETWEEN THEM AND THE TOWN OF DEDHAM, AND
FOR NOTIFYING THE TOWNS OF DEDHAM AND NATICK, ETC. [*Ap-
proved February 18, 1700-1.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc.,
of towns, etc.*]

CHAPTER 67.

ORDER APPOINTING A HEARING ON THE PETITION OF THE AGENTS
OF THE FIRST CHURCH IN SCITUATE FOR A RECONSIDERATION
OF CHAPTER 19 OF THE RESOLVES OF THIS YEAR, AND FOR NOTI-
FYING BENJAMIN STUTSON, THE AGENT OF THE OTHER SOCIETY.
[*Approved February 21, 1700-1.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc.,
of towns, etc.*]

CHAPTER 68.

ORDER REFERRING THE PETITION OF THE INHABITANTS OF THE
TOWN OF DARTMOUTH TO THE SECOND WEDNESDAY OF THE
NEXT SESSION OF THE GENERAL COURT, AND FOR NOTIFYING
THE SELECTMEN OF TAUNTON, FREETOWN AND LITTLE COMPTON,
ETC.

THE PETITION of the inhabitants of the town of Dartmouth was sent
up from the representatives with their concurrence wth the order past
yesterday by the board thereupon; viz^t, —

Ordered, That the Pet^{con} be referred to be heard on the 2^d Wednes-
day of the next Session of this Court, And that the Select men of Tan-
ton, Free-town and Little Compton be Notified thereof/. [*Approved
February 21, 1700-1.*]

CHAPTER 69.

ORDER DISCHARGING RICHARD HUNNEWELL FROM HIS RECOGNIZANCE CONDITIONED TO DEMOLISH A TIMBER BUILDING ERECTED BY HIM IN BOSTON WITHOUT LICENSE, AND PERMITTING SAID BUILDING TO STAND.

THE PETITION of Richard Honnywell of Boston, mason, praying to be freed from a recognizeance by him entred into by order of the general sessions of the peace held for the county of Suffolke in January last, to demolish a small timber building by him set up adjoyning to his dwelling-house in Boston without approbation and licence as the law directs, was sent up from the representatives with their concurrence with the *order* past yesterday by the board thereupon; viz^t, —

That the petitioner, upon consideration that the said building does but little exceed the dimensions which the law does allow, be discharged from his recognizeance and the building suffered to stand. [*Approved February 21, 1700-1.*]

CHAPTER 70.

ORDER FOR ALLOWING AND PAYING THREE POUNDS OUT OF THE PROVINCE TREASURY TO LIEUTENANT JOHN WILSON OF BILLERICA FOR HIS EXPENSES WHILE IN THE KING'S SERVICE DURING THE YEAR 1692.

A PETITION of Lieut. John Wilson of Bilrica, praying some allowance for extraordinary expences during his being in his majestie's service, *anno* 1692, was sent up from the representatives with their *order* thereupon, that the sum of three pounds be allowed and paid out of the public treasury to the pet^r, John Wilson, for his extraordinary expences. [*Concurred in by the Council, and approved February 24, 1700-1.*]

CHAPTER 71.

ORDER FOR PAYING SIX POUNDS OUT OF THE PROVINCE TREASURY TO THOMAS JACKSON, BEING THE WAGES DUE TO HIS SON THOMAS, A MINOR, DECEASED, WHO SERVED IN THE EXPEDITION AGAINST CANADA, IN 1690, AS COOPER'S MATE OF THE SHIP SIX FRIENDS.

A PETITION of Thomas Jackson of Piscataqua, praying that the wages due for the service of his son Thomas Jackson (a minor, now deceēd), on board the ship Six Friends in the expedition against Canada, *anno* 1690, as cooper's mate in the said ship, may be paid, was sent up from the representatives with their *order* past thereon, that the sum of six pounds be paid out of the public treasury to the petitioner for his son's wages as abovesaid. [*Concurred in by the Council, and approved February 25, 1700-1.*]

CHAPTER 72.

ORDER DIRECTING THAT NOTICE BE SERVED ON THE JUSTICES OF THE INFERIOR COURT OF COMMON PLEAS FOR BRISTOL COUNTY; AND ON PETER AND ELEAZAR WALKER, TO APPEAR AND ANSWER TO THE PETITION OF THOMAS CORAM.*

THE PETITION of Thomas Coram, shipwright, was sent up from the representatives, with their concurrence with the *order* past yesterday by the board thereupon, for notifying Peter Walker and Eleazer Walker, parties in the causes therein mentioned, to appear on Wednesday the 5th of March next, (if they see cause), to be heard upon the matters set forth in the said petition; and the further order of that house, that the justices of the inferior court of common pleas in the county of Bristol be also alike notified; which farther order, being read at the board, was concurred with. [*Passed February 26, 1700-1.*]

CHAPTER 73.

RESOLVE FOR APPOINTING A COMMITTEE TO RECEIVE AND EXAMINE THE CLAIMS OF THE PROPRIETORS, AND OTHERS, TO THE WASTE LANDS LYING TO THE EASTWARD OF THE TOWN OF WELLS, AND TO MAKE REPORT OF THEIR DOINGS THEREON, ETC. [*Approved March 4, 1700-1.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 74.

RESOLVE REFERRING TO THE NEXT SESSION THE PETITION OF THE INHABITANTS OF BERWICK PRAYING TO BE MADE A TOWNSHIP. [*Passed March 5, 1700-1.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 75.

RESOLVE NOMINATING AND APPOINTING THE COMMITTEE PROVIDED FOR IN THE RESOLVE, CHAPTER 73, OF THIS SESSION, RELATING TO WASTE LANDS EAST OF THE TOWN OF WELLS. [*Approved March 7, 1700-1.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

* See the private act of March 12, 1700-1, vol. VI., number 12.

CHAPTER 76.

RESOLVE FOR COMPROMISING AND ENDING THE DIFFERENCES RELATING TO THE SUPPORT OF THE MINISTRY IN THE MIDDLE AND EASTERLY PARTS OF WATERTOWN. [*Approved March 7, 1700-1.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 77.

RESOLVE FOR ALLOWING AND PAYING OUT OF THE PROVINCE TREASURY CERTAIN SUMS TO SEVERAL PERSONS, INHABITANTS OF THE COUNTY OF YORK, IN FULL SATISFACTION OF THEIR ACCOUNTS OF DISBURSEMENTS FOR THE KING'S SERVICE.

Resolved, That there be allowed and paid out of the public treasury by the next tax, unto the several persons hereunder named, inhabitants in the county of York, in full of their accompts of disbursements for his majestie's service, the respective sums following; viz^t, to Jos: Storer, twenty-seven pounds sixteen shillings and threepence; to Jane Littlefield, eighteen pounds eighteen shillings and sixpence; to Jon^a. Littlefield, seven pounds seven shillings; to John Cloyes, eleven pounds seven shillings and twopence; to Nath. Cloyes, nine pounds one shilling; to Thomas Cole, three pounds six shillings and fourpence; to Jon^a. Hammond, seven pounds twelve shillings and twopence; to Mchetable Littlefield, five pounds eight shillings; to Joshua Downing, six pounds eighteen shillings; to John Shapleigh, seven pounds twelve shilling and tenpence; to Jasper Poleman, three pounds ten shillings; to James Plaisted, fourteen pounds nine shill^{gs}. and sixpence; and to Jeremiah Molton, thirteen pounds fourteen shillings, — in the whole one hundred thirty-seven pounds and ninepence. [*Approved March 11, 1700-1.*]

CHAPTER 78.

VOTE FOR PAYING OUT OF THE PROVINCE TREASURY TO JOHN ELLINWOOD OF BEVERLY, A SOLDIER WOUNDED IN THE KING'S SERVICE, FIVE POUNDS FOR HIS PRESENT RELIEF, AND A PENSION OF THREE POUNDS PER ANNUM DURING HIS LIFE.

A PETITION of John Ellenwood of Beverly, praying some yearly stipend in consideration of a wound formerly received in his majestie's service, whereby his right hand (in which he received the said wound) hath been rendred almost altogether useless ever since, and some allow^a. for his present relief, was sent up from the representatives with the *vote* of that house thereupon, that there be p^d. to the petitioner out of the province treasury five ponn^{ds} towards his present relief, and for the fnture three pounds per annum during his life. [*Concurred in by the Council, and approved March 11, 1700-1.*]

CHAPTER 79.

ORDER REFERRING TO THE COMMITTEE FOR GRANTING DEBENTURES, ETC., THE PETITION OF JAMES RUSSELL, PRAYING FOR COMPENSATION FOR HIS AND HIS FATHER'S SERVICES AS TREASURERS, SUCCESSIVELY, OF THE COLONY OF MASSACHUSETTS BAY.*

A PETITION of James Russell, Esq^r, praying for an allowance and payment to be made him for service done by his father and himself, successively treasurers of the colony of the Massachusetts, and for loss sustained and disbursements in that service, was sent up from the representatives with their vote thereupon,—

Ordered—That the Petition on the other side be Referred to the Committee for Granting Debenturs to Claimers of Debts Contracted by the Publi^k in the Time of the Government of S^t Edm^d Androsse That they Examine the matter thereof, and make Report of the same with their Opinion thereon to this Court at the next session thereof—
[*Concurred in by the Council, and approved March 13, 1700-1.*]

CHAPTER 80.

RESOLVE ACCEPTING THE PROPOSITION OF DANIEL WILCOX, FORMERLY OF TIVERTON, NOW OF RHODE ISLAND, TO SATISFY A FINE BY CONVEYING LANDS IN TIVERTON TO THE PROVINCE, AND APPOINTING A COMMITTEE TO SEE THAT PROPER DEEDS ARE EXECUTED, ETC.

A PETITION of Benjamin Church of Bristol, of the county of Bristol, in behalf and at the request of Daniel Wilcox, formerly of Tiverton, now residing at Rhode Island, containing a proposal from said Wilcox to satisfy a fine of one hundred and fifty pounds formerly set upon him by order of court, by executing a deed of sale to the province for several parcels of land lying in Tiverton aforesaid, was sent up from the representatives with their *resolve* thereupon, that the prayer of the said petition be granted, and that Ebenezer Brenton, Esq^r, Major Benjamin Church and William Peabody be a committee to take care that sufficient deeds of conveyance of the several parcels of land in the s^d. petition mentioned, be made and executed by s^d. Daniel Wilcox, as the governour and council shall direct. [*Concurred in by the Council, and approved March 13, 1700-1.*]

CHAPTER 81.

ORDER FOR CONTINUING THE GOVERNMENT OF HARVARD COLLEGE, AS PROVIDED BY THE ORDER OF JULY 13, 1700, UNTIL THE KING'S PLEASURE BE KNOWN IN REGARD TO THE PROPOSED CHARTER OF INCORPORATION.

WHEREAS, this court having made their humble address unto his majesty for his royal charter for incorporating Harvard Colledge, in Cambridge, within this province, did by their order, past at their session

* See resolve, chapter 49, *ante*.

begun and held the 29th of May last, impower to the reverend Mr Increase Mather, nominated to be president of said colledge, Mr Samuel Willard, vice-president, Mr James Allen, Mr Michael Wigglesworth, Mr Samuel Torry, Mr Nehemiah Hobort, Mr Peter Thacher, Mr Samuel Angier, Mr John Danforth, Mr Cotton Mather, Mr Nehemiah Walter, Mr Henry Gibbs, Mr John White, Mr Jonathan Peirpoint, Mr Benj^a Wadsworth, and the two senior tutors for the time being, nominated to be fellows of said corporation, to take the oversight, care and government of the said colledge and students, and to direct and order the payment of salaries or allowances to the officers thereof out of the revenues, rents and profits of the grants, donations and stock to the colledge belonging, and to sue for, collect and receive all such rents, profits and incomes, until his majestie's pleasure shall be known referring to the settlement of said colledge, or that this court take further order thereon; and forasmuch as the constitution requires the president to reside at Cambridge, which is now altered by his removal from thence, to the intent that a present necessary oversight be taken of the colledge; it is therefore, —

Ordered, That the s^d Mr Increase Mather, Mr Samuel Willard, and the severall other gentlemen mentioned in the aforerecited order, be and hereby are anew appointed and empowered to continue their oversight, care and government of the colledge, and students there, in manner as in the order is exprest, and to use and exercise the like powers and authority to them therein and thereby granted for and during such time as by the said order is set and limited; and in case of Mr Mather's refusal, absence, sickness or death, that Mr Samuel Willard, nominated to be vice-presid^t, with the other gentlemen before named, be and hereby are invested with the like powers and authority afores^d in all respects. [*Approved March 14, 1700-1.*]

CHAPTER 82.

RESOLVE FOR PROCURING AMMUNITION.

Resolved That there be Procured, and Paid for out of the Publick Treasury of this Province One hundred Barrells of good Gun Powder. Three hundred good fusills. A Quantity of flints, Ball, Lead with Moulds proportionable to s^d number of fusills Thirty Pounds worth of Salt Peter. and That the Govern^t and Councill be Impowred to agree wth Some suitable Person or Persons to Procure s^d stores. [*Approved March 14, 1700-1.*]

CHAPTER 83.

RESOLVE FOR CHOOSING A COMMISSIONER FOR STORES OF WAR AND FOR DEFINING HIS DUTIES, ETC., AND ORDERING ALL OFFICERS HAVING IN CHARGE ANY OF SAID STORES TO ACCOUNT TO HIM FOR THE SAME AND FOR THEIR EXPENSE OF GUNPOWDER.

*Resolved & }
Ordered } That a suitable person be chosen by this Court to be a
Commissioner for stores of War, who shall take an Accompt of all*

great and small Artillery, Gun powder and all stores of war whatsoever that do or shall belong to the Province, wheresoever the Same are or shall be lodged, And shall take into his charge and custody all such stores of war as are not already lodged in the Castle or Forts, and shall take care that the stores in his particular custody be well kept, that the armes be kept clean from rust and duely fitted for service, and that the Casks of powder be often turned, at least once a month &c. And shall deliver out none of such stores but by written Order from the Captain General or Coñander in chief for the time being for his Ma^{ty}s service within this Province, takeing receipt of them to whom they shall be delivered, and shall be ready at all times to render an accompt of all stores committed to him when called thereunto by this Court.

And all Officers that have or shall have any of the s^d stores of war under their charge or comitted to them shall from time to time accompt for the same and for their Expence of Powder with the s^d Commissioner And such Coñmissioner shall be duely satisfied out of y^e publick Treasury for his charge & trouble.

This Order to continue in force until the end of the sessions of the General Assembly which shall be held on the last Wednesday in May 1702. and no longer. [*Approved March 14, 1700-1.*]

CHAPTER 84.

ORDER FOR PROCURING A SUITABLE PLACE FOR THE STORAGE OF GUNPOWDER.

Ordered, That the Governo^r and Council be Impowred to make such provision as they shall thinke proper for remedying the inconvenience and danger of Gun Powder lying in dwelling houses and Wooden Warehouses &c^a And to direct some sutable place or places for better Securing of the same until this Court shall take further Order therein. [*Approved March 14, 1700-1.*]

CHAPTER 85.

RESOLVE APPOINTING A COMMITTEE TO MANAGE THE EXPENDITURE OF THE MONEY GRANTED TOWARDS FORTIFYING CASTLE ISLAND, ETC.

Resolved That Elisha Hutchinson Esq^r Cap^t Timothy Clark, M^r Thomas Brattle, and the Cap^t of the Castle for the Time being be a Committee They or any Three of them, To Order Direct and Manage the Laying out the money Granted last session of this Court* towards ffortifying Castle Island, and to Give Order and Direction for the

* Besides the mention of this grant here and a similar allusion to it in a resolve which passed the House July, 1700, but was not concurred in by the Council, no record of it has been found up to the date of this resolve, save in the preamble to the tax act passed July 13, 1700. That the grant was actually made is certain, since it is well known that the castle was rebuilt under the direction of Col. Romer at about this date and that a tax was laid to defray the expense; but the amount of the grant for this purpose cannot be ascertained either from the records or from the papers in the state archives — the accounts of the province treasurer from May 31, 1699 to May 27, 1702, which would contain an entry of the amount appropriated, and the total disbursement, being missing.

Reparacon or newmaking of ffortifications on s^d Island, and That S^d Co^mittee be duly Satisfied for such their service out of the Province Treasury. [*Approved March 14, 1700-1.*]

CHAPTER 86.

RESOLVE FOR ALLOWING AND PAYING ONE HUNDRED AND TWENTY-FIVE POUNDS OUT OF THE PROVINCE TREASURY TO THOMAS HINCKLEY IN FULL SATISFACTION OF HIS PUBLIC SERVICES, HE RELINQUISHING TO THE PROVINCE HIS CLAIM TO TWO HUNDRED ACRES OF LAND NEAR SECONET, FORMERLY BELONGING TO TATAMAMUCK, AN INDIAN SACHEM, AND GRANTED TO SAID HINCKLEY, IN 1680, BY THE GENERAL COURT OF PLYMOUTH COLONY.

Resolved — That the sum of One Hundred twenty and five Pounds be allowed and Paid out of the Publick Treasury unto Thomas Hinckley Esq^r late Govern^r of the late Colony of New Plymouth in full satisfaction of service done by him for the Publick, he Relinqvishing to the Province his Claim to Land formerly Tatamunnah's Land. [*Approved March 14, 1700-1.*]

CHAPTER 87.

RESOLVE FOR FURTHER INSTRUCTING THE COMMITTEE APPOINTED JULY 19, 1699, AND AUTHORIZED TO GRANT DEBENTURES, ETC., BY THE RESOLVE OF THE LAST SESSION, CHAPTER 49.

WHEREAS Application is made to this Court by the Co^mittee appointed to Grant Debenturs to the Claimers of Debts Contracted by the Publick in the Time of the Government of S^r Edm^d Androsse, for further Direction in their Proceedings upon acc^{ts} laid before them.

Resolved — That the Instructions following be given to s^d Co^mittee viz :

That a Debent^r be Granted to John Riggs an Ensign in his Maj^{ties} service in the time of s^d Governm^t for what is found due to him for such his service (althô. at this Time he is no Inhabitant in this Province.)

That Twenty five Pounds in the Acc^t of Maj^r Dan^l Davisson for Payment whereof he hath no Voucher be allowed him. (he making Oath to his Acc^t)

That One Hundred Pounds be Granted to Cap^t John Wing in full of all his Claims,

That s^d Co^mittee Grant Debenturs to all such as to their satisfaction shew forth their Claims to be just and due, notwithstanding such Claims were not Received when s^d Co^mittee made their Report of Claims.

And That Twenty Pounds be Granted in full for all Acc^{ts} of Cap^t John floyd. That s^d Co^mittee give Debentur to Martha Padeshall for what appear's to them to have been due to her late husband. [*Approved March 14, 1700-1.*]

CHAPTER 88.

ORDER APPOINTING A COMMITTEE TO PROVIDE FOR REPAIRING, ETC., THE DWELLING-HOUSE OF THE PRESIDENT OF HARVARD COLLEGE AT CAMBRIDGE, AND AUTHORIZING THE GOVERNOR AND COUNCIL TO ORDER PAYMENT OF THE COST THEREOF.

Ordered, That the dwelling-house in Cambridge, built for a president's house, be forthwith repaired and fitted up for that use, and that John Leveret, Esq^r, M^r James Oliver and M^r Thomas Oliver of Cambridge, be and hereby are appointed and empowered a committee to take effectual order that the said house be repaired accordingly, and to lay the acc^t of the charge thereof before the governour and council for allowance, and payment to be ordered accordingly. [*Approved March 15, 1700-1.*]

CHAPTER 89.

RESOLVE AND ORDER FOR THE BETTER DIRECTION OF THE COMMISSIONERS OF EXCISE IN THE COLLECTING OF DUTIES, ETC.

FOR THE BETTER DIRECTING the Commission^{rs} of Excise in the collecting of the Duty's by Law Set

Resolved and Ordered.

That no pipe of wine shall be computed at more than One hundred Gallon's.

That the Retailers be abated and allowed for all wines that decay or prick in their hands.

That the Commissioners do make agreement according to their good discretion, with persons for their draught, after the Publication of the Act to the time of their renewing of their Licences, as near as may be to the Rates and prices Set in the Act. [*Approved March 15, 1700-1.*]

CHAPTER 90.

RESOLVE FOR ALLOWING AND PAYING TWO HUNDRED POUNDS TO WILLIAM STOUGHTON FOR HIS SERVICES AS LIEUTENANT-GOVERNOR THE LAST YEAR.

Resolved That the sumⁿ of Two Hundred Pounds be Allowed and Paid out of the Publick Treasury to the Hon^{ble} William Stoughton Esq^r L^t Govern^r and Com^{mand} in chief of this Province for his service done for the Province the last Year. [*Approved March 15, 1700-1.*]

CHAPTER 91.

RESOLVE FOR ALLOWING SEVENTY POUNDS TO ISAAC ADDINGTON, SECRETARY OF THE PROVINCE, FOR HIS EXTRAORDINARY SERVICES DURING THE YEAR ENDING DECEMBER, 1700.

Resolved That the Sum of Seventy Pounds, be Allowed and Paid out of the Publick Treasury of this Province to the Hon^{ble} Isaac

Addington Esq^r for the extraordinary Service by him done for the Province the Year last past expiring in Decem^r [*Approved March 15, 1700-1.*]

CHAPTER 92.*

RESOLVE FOR PAYING TWENTY POUNDS OUT OF THE PROVINCE TREASURY TO CAPTAIN TIMOTHY CLARKE FOR HIS SERVICES DURING THE LATE WAR.

Resolved That the sum of Twenty Pounds be Paid out of the Publick Treasury to Cap^t Timothy Clark for service by him done for the Publick in the Time of the late war. [*Approved March 15, 1700-1.*]

CHAPTER 93:

RESOLVE FOR AN ADDITIONAL ALLOWANCE OF EIGHTEEN POUNDS TO JOHN WHITE, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES IN THE YEAR 1700-1.

Resolved That the sum of Eighteen Pounds be Allowed and Paid out of the Publick Treasury to M^r John White the Clerk of this House in further Consideration of his service for the Year Past [*Approved March 15, 1700-1.*]

CHAPTER 94.

RESOLVE FOR ALLOWING AND PAYING FIVE POUNDS TO JAMES MAXWELL FOR HIS SERVICES IN ATTENDING UPON THE COMMITTEE APPOINTED TO EXAMINE, ETC., THE ACCOUNTS OF CLAIMS, ETC., UNDER THE GOVERNMENT OF SIR EDMUND ANDROS, ETC.

Resolved That the Sum. of five Pounds be Allowed and Paid out of the Publick Treasury of this Province to M^r James Maxwell for his service in Attending upon the Committee Appointed by the Gen^l Assembly for the Receiving and Examining of Debts due in the time of S^r Edmund Androsse his Governm^t and for Granting Debenturs for the same. [*Approved March 15, 1700-1.*]

* See note to chapter 95, *post*.

CHAPTER 95.*

RESOLVE FOR ALLOWING AND PAYING TEN POUNDS TO JOSHUA CONANT, AS A PRESENT CONSIDERATION FOR HIS SERVICES AS GUNNER OF HIS MAJESTY'S FORT AT SALEM.

Resolved That the sum of Ten Pounds be allowed and Paid to Joshua Conant Gunner of his Majesty's Fort at Salem as a present Consideration for that Service [*Approved March 15, 1700-1.*

CHAPTER 96.

RESOLVE FOR ALLOWING AND PAYING THREE POUNDS TO SAMUEL GOOKIN, SHERIFF OF MIDDLESEX COUNTY, FOR HIS EXPENSE IN PUBLISHING THE ACTS OF THE GENERAL ASSEMBLY.

Resolved, That the sum of three pounds be allowed and paid out of the public treasury of this province to Mr. Sheriffe Gookin for his expences in publishing the acts of the general assembly. [*Approved March 15, 1700-1.*

CHAPTER 97.

RESOLVE FOR ALLOWING AND PAYING THREE POUNDS AND TEN SHILLINGS TO JOHN ARNOLD FOR HIS SERVICES AS MESSENGER OF THE HOUSE OF REPRESENTATIVES.

Resolved That the Sum of Three Pounds and Ten Shillings be Allowed and Paid out of the Publick Treasury of this Province to John Arnold for his Service as Messenger of this House. [*Approved March 15, 1700-1.*

CHAPTER 98.

RESOLVE FOR ALLOWING AND PAYING THREE POUNDS AND TEN SHILLINGS TO ELKANAH PEMBROOK FOR HIS SERVICES AS MESSENGER OF THE HOUSE OF REPRESENTATIVES

Resolved That the Sum of Three Pounds ten Shillings be Allowed and Paid to Elkanah Pembrook for his Service as Messenger of this House [*Approved March 15, 1700-1.*

* By the legislative records of the Council it appears that on the 24th of February, William Tilley, gunner of the fortifications in the town of Boston, joined with Timothy Clarke in a petition for an allowance for services, and that, thereupon, this joint petition, together with the separate petitions of Joshua Conant, gunner, and William West, sentinel, at the fort in Salem were sent to the House with a recommendation by the Council that the petitioners be paid. No further action appears to have been taken upon these petitions until the date of these resolves (chapters 92 and 95) the originals of which, in the archives, show that they were first passed in the House and then sent to the Council, for concurrence.

CHAPTER 99.

RESOLVE FOR ALLOWING AND PAYING THREE POUNDS TO SIMEON MESSENGER FOR HIS SERVICES AS MESSENGER OF THE HOUSE OF REPRESENTATIVES.

Resolved — That the Sum. of Three Pounds be Allowed and Paid out of the Publick Treasury of this Province to Simeon Messenger for his Service as Messenger of this House. [*Approved March 15, 1700-1.*]

CHAPTER 100.*

RESOLVE FOR PAYING TWENTY-THREE SHILLINGS TO JOHN RIGGS, JOHN WHITE AND JAMES BARNES FOR THEIR DISBURSEMENTS ON ACCOUNT OF THE HOUSE OF REPRESENTATIVES, AND FIFTEEN SHILLINGS TO BARTHOLOMEW GREEN FOR PRINTING THE GOVERNOR'S SPEECH THE LAST SESSION.

Resolved, That there be paid out of the public treasury to M^r John Riggs and to Lieut. John White, the sum of six shillings each, which they disbursed in paying messengers of the house of representatives, and to M^r James Barnes the sum of eleven shillings, which he disbursed for the service of the said house, and to Barthô. Green, printer, the sum of fifteen shillings for printing his excellency the governour's speech the last session of this court. [*Approved March 15, 1700-1.*]

CHAPTER 101.

ORDER FOR POSTPONING THE REPORT OF THE COMMITTEE APPOINTED TO AGREE UPON THE HOUSE-RENT AND ACCOMMODATIONS FOR THE GOVERNOR, AND FOR CONTINUING SAID COMMITTEE, ETC.

Ordered — That The Co^mittee Appointed to agree what shall be Paid for House Rent and Accomoda^cions for his Excellency the Govern^r the last session of this Court be Continued a Co^mittee to Issue that affair and make Report to this Court at their next session. [*Approved March 15, 1700-1.*]

* This resolve is an instance of the practice pursued by the colonial and early provincial secretaries, of combining two or more separate resolves in one, in the record. The present chapter contains the substance of three distinct resolves; but as only one of these — that voting the allowance to Bartholomew Green — is preserved in the archives, it has been thought best to give here the resolve as it appears in the record, and to subjoin to this note the resolve for paying Bartholomew Green, which is as follows: —

“In the House of Representatives

Resolved That the sum of fifteen shillings be Paid out of the Publick Treasury to M^r Bartholomew Green Printer for Printing his Exc^y. the Govern^r's Speech the last session of this Court.

March 15th 1700 Sent up for Concurrence.

JOHN LEVERETT *Speaker*

die predict. In Council Read and past a Concurrence. Is^t. ADDINGTON *Sec^y.*”

CHAPTER 102.

RESOLVE FOR REQUESTING THE LIEUTENANT-GOVERNOR TO ISSUE A PROCLAMATION REQUIRING MILITARY OFFICERS TO DIRECT THAT THERE BE A STRICT EXECUTION OF THE MILITARY LAWS, ETC.

Resolved That his Hon^r the L^t Govern^r be Desired to Issue out his Proclamation, Requiring the Sever^l military Officers of this his Maj^{ties} Province to Take Care, & see that there be a strict Execution of the military Laws so far as it concerns them, especially the Laws requiring that all the militia be duly Provided with Good and sufficient arms and Ammunition according as the Law Requires and that the selectmen Take Care That the sev^{rl} Towns be Provided with Stores of war as by law is required. [*Passed March 15, 1700-1.*]

CHAPTER 103.

RESOLVE FOR A DAY OF PUBLIC PRAYER* AND FASTING, THE LIEUTENANT-GOVERNOR AND COUNCIL TO APPOINT THE TIME.

Resolved — That a Day of Publick Praier with ffasting be Appointed throughout this Province (the Time to be appointed by the L^t Govern^r and Councill) and if the unhappy News of his Exc^y the Govern^rs Death Should Prove true, That It be Particularly Deplored on s^d Day. [*Passed March 15, 1700-1.*]

* Up to March 20, 1699-1700 (the date of the proclamation for the fast of April 25, 1700), days of public fasting and thanksgiving were appointed by the Assembly, with the single exception of the fast ordered December 20, 1692; and, excepting the proclamation issued for that fast, and another issued under the resolve of 1694-5, chapter 59, the draughts of the proclamations were approved by the Council and representatives. After 1699, however, except in the instance of the fast day appointed August 9, 1701, the Council named the day, assigned the occasions, and prepared and promulgated the proclamations, the House merely moving the Council by message. In the case of the fast day last referred to, the House named the day, which was agreed to by the Council, and the desire of the latter to "assigne the occasions" was acquiesced in by the House. All votes and orders in which the House cooperated in any manner for setting apart days for religious observance are treated here as the doings of the General Court.

RESOLVE AND ORDER

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE SIXTEENTH DAY OF APRIL, A.D. 1701.

CHAPTER 104.

RESOLVE FOR ALLOWING AND PAYING THREE POUNDS EIGHTEEN SHILLINGS OUT OF THE PROVINCE TREASURY TO THOMAS HOWE TO REIMBURSE HIM THE SUM HE PAID FOR REDEEMING ELIZABETH HOWE, A CAPTIVE AMONG THE INDIANS.

Resolved — That the sum of Three Pounds, Eighteen shillings be Allowed and Paid out of the Publick Treasury of this Province to M^r Thomas Howe, he having Paid so much for the Redemption of Elizabeth Howe who was Captive to an Indian. [*Approved April 17, 1701.*]

CHAPTER 105.

ORDER FOR PAYING TO THE ADMINISTRATRIX OF THE ESTATE OF OBADIAH GILL THE VALUE OF UNENDORSED BILLS OF CREDIT FOUND AMONG HIS EFFECTS AND PRESENTED TO THE GENERAL COURT FOR THEIR ORDER THEREUPON.

WHEREAS three indented bills of the Massachusetts Colony, one of twenty shillings, one of two shillings and sixpence, another of two shillings, that were in custody of M^r Obadiah Gill of Boston, deceased, not endorsed, are offered to this court for their order, that so his estate may have the benefit of them, —

Ordered, That the treasurer receive in said bills, and pay unto the administratrix of said deceased the sum of one pound four shillings and sixpence, the value expressed in them. [*Approved April 19, 1701.*]

ORDERS, RESOLVES,
MEMORIAL, ADDRESSES, ETC.,
PASSED 1701-2.

LEGISLATIVE LIST

FOR

1701-2.

WILLIAM STOUGHTON, Esq.,
LIEUTENANT- OR DEPUTY-GOVERNOR, ETC.
(ACTING GOVERNOR UNTIL JULY 7, 1701.*)

ISAAC ADDINGTON, Esq.,
SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.†

Of the inhabitants of, or proprietors of, lands within the territory formerly called the Colony of the Massachusetts Bay:—

WILLIAM STOUGHTON, Esq.,
JOHN PYNCHON, Esq.,
WAIT WINTHROP, Esq.,
JAMES RUSSELL, Esq.,
ELISHA COOKE, Esq.,
JOHN HATHORNE, Esq.,
ELISHA HUTCHINSON, Esq.,
SAMUEL SEWALL, Esq.,
WILLIAM BROWNE, Esq.,

ISAAC ADDINGTON, Esq.,
JOHN PHILLIPS, Esq.,
JONATHAN CORWIN, Esq.,‡
JOHN FOSTER, Esq.,
PETER SERGEANT, Esq.,
DANIEL PEIRCE, Esq.,
PENN TOWNSEND, Esq.,
JOHN APPLETON, Esq.,
JOHN HIGGINSON, Esq.

Of the inhabitants of, or proprietors of, lands within the territory formerly called New Plymouth:—

BARNABAS LOTHROP, Esq.,
NATHANIEL THOMAS, Esq.,

JOHN THACHER, Esq.,
NATHANIEL BYFIELD, Esq.

* Stoughton, who sat in the executive chair for the last time on the thirtieth of June, died July 7, 1701; whereupon the Council became the chief executive, and so continued until Dudley became Governor, June 11, 1702. This was the first instance of the exercise of the executive function by the Council. The first session ended by prorogation on the first of July, and the second session was convened on the thirtieth, and continued until the ninth of August. On the first day of the second session, upon notice from the House of Representatives that a full house had assembled and were ready for business, Judge Sewall and the Secretary were sent down from the Council to request the representatives to appear in the council chamber. Upon their appearance, Wait Winthrop made a speech to them in behalf of the Council, formally communicating to them the fact of the assumption by the Council of the administration of the government, under the charter, and of the proclamation which they had accordingly issued, and of the letters which they had sent to the home government. Copies of the proclamation and letters were thereupon delivered to the Speaker of the House, and the General Court was directed to proceed with the business left unfinished at the prorogation. The House was then dismissed. Winthrop acted as first or presiding councillor until he went to England as special agent for the province, when Pynchon succeeded to the chair.

† See note † to legislative list for 1700-1, p. 238, *ante*.

‡ The Lieutenant-Governor, at first, demurred at Corwin's election, but finally signified his approval thereof on the third of June.

Of the inhabitants of, or proprietors of, land within the territory formerly called the Province of Maine: —

ELIAKIM HUTCHINSON, ESQ., JOSEPH HAMMOND, ESQ.,*
BENJAMIN BROWNE, ESQ.

Of the inhabitants of, or proprietors of, land within the territory lying between the river of Sagadahoc and Nova Scotia: —

JOSEPH LYNDE, ESQ.

For the Province, at large: —

JOHN WALLEY, ESQ., SAMUEL PARTRIGG, ESQ.

REPRESENTATIVES OR DEPUTIES.

May 28, 1701 to April 9, 1702.

MR. NEHEMIAH JEWETT, SPEAKER.

| COUNTY OF SUFFOLK. | | COUNTY OF ESSEX — <i>Concluded.</i> | |
|--------------------|---|-------------------------------------|-------------------------------------|
| <i>Boston,</i> | Mr. John White, Capt. Samuel Legg, Mr. Nathaniel Oliver, Capt. Andrew Belcher. | <i>Beverly,</i> | Mr. Samuel Balch. |
| <i>Roxbury,</i> | Mr. William Denison. | <i>Boxford,</i> | Mr. John Pebody.†† |
| <i>Dorchester,</i> | Mr. Samuel Robinson. | <i>Salisbury,</i> | Mr. Nathaniel Eastman, senior.‡‡ |
| <i>Dedham,</i> | Capt. Daniel Fisher. | <i>Amesbury,</i> | Mr. Thomas Stevens. |
| <i>Braintree,</i> | Lieut. John Baxter † | <i>Andover,</i> | Mr. John Aslebee.§§ |
| <i>Milton,</i> | Capt. Thomas Vose. | <i>Haverhill,</i> | Capt. Samuel Ayer. |
| <i>Weymouth,</i> | Lt.-Col. Ephraim Hunt. | <i>Wenham,</i> | Lieut. William Fiske.† |
| <i>Hingham,</i> | Lieut. Jeremiah Beale.† | <i>Topsfield,</i> | Quartermaster Tobijah Perkins. |
| <i>Medfield,</i> | Mr. John Harding. | <i>Rowley,</i> | Capt. Joseph Boynton. |
| | | <i>Gloucester,</i> | Capt. James Davis. |
| | | <i>Bradford,</i> | Mr. John Chadwick. |
| COUNTY OF ESSEX. | | COUNTY OF YORK. | |
| <i>Salem,</i> | Capt. Samuel Gardner,‡ Capt. Samuel Browne. | <i>Kittery,</i> | Mr. Nicolas Gowen. |
| <i>Ipswich,</i> | Mr. Nehemiah Jewett,§ Capt. William Goodhue. | <i>York,</i> | Mr. James Plaisted. |
| <i>Newbury,</i> | Maj. Daniel Davison, Lieut. Tristram Coffin.† | | |
| <i>Lynn,</i> | Capt. John Burrill, jun.¶ | COUNTY OF MIDDLESEX. | |
| <i>Marblehead,</i> | Mr. Richard Trevet.** | <i>Charlestown,</i> | Mr. Samuel Phipps.¶¶ |
| | | <i>Cambridge,</i> | Capt. Thomas Oliver. |

* Hammond does not appear to have taken the qualifying oaths, nor to have sat in the Council during this year.

† “Lieutenant,” in the town records; but “Mr.,” in the Secretary’s list.

‡ “Gardiner,” in the Secretary’s list.

§ For the first time, Jewett wrote his name this year with two t’s. This is in his signature to the qualifying oaths; but in subscribing the articles of association he wrote his name with one t, as before.

|| “Goodhue,” in the Secretary’s list.

¶ “Captain,” and “Burril,” in the Secretary’s list; but “John Burrill, jun.,” in the town records.

** “Trevet,” in the Secretary’s list.

†† “Pabody,” in the Secretary’s list.

‡‡ “Eastham,” in the Secretary’s list; but “Nathaniel Eastman, senior,” in the town records.

§§ “Aselby,” in the Secretary’s list.

|||| “Quartermaster,” in the town records; but “Mr.,” and “Tobijah,” in the Secretary’s list. Written “Tobiiah,” in the town records, and so subscribed to the qualifying oaths.

¶¶ “Phips,” in the Secretary’s list. The town voted to send but one representative this year, “by vote of major portion.”

COUNTY OF MIDDLESEX — *Concluded.*

| | |
|---------------------|-----------------------------|
| <i>Watertown,</i> | Mr. Daniel Warrin, senior.* |
| <i>Newton,</i> | Capt. Isaac Williams. |
| <i>Woburn,</i> | Maj. James Converse † |
| <i>Concord,</i> | Capt. James Minott, Esq.‡ |
| <i>Sherburne,</i> | Deacon Benoni Larned § |
| <i>Sudbury,</i> | Mr. William Browne |
| <i>Malden,</i> | Mr. Phineas Upham |
| <i>Reading,</i> | Capt. John Browne. |
| <i>Medford,</i> | Mr. Thomas Willis |
| <i>Chelmsford,</i> | Mr. Edward Spauldyng.¶ |
| <i>Billerica,</i> | Capt. Joseph Tompson. |
| <i>Marlborough,</i> | Mr. Thomas How. |
| <i>Framingham,</i> | Mr. Thomas Drury. |

COUNTY OF HAMPSHIRE.

| | |
|---------------------|-------------------------------|
| <i>Springfield,</i> | Lient. John Hitchcock, sen.** |
| <i>Northampton,</i> | Mr. John Clarke.†† |
| <i>Hadley,</i> | Mr. Jonathan Marsh. |
| <i>Westfield,</i> | Capt. Isaac Phelps. |
| <i>Hatfield,</i> | Sergeant John White.‡‡ |

COUNTY OF PLYMOUTH.

| | |
|--------------------|-----------------------------|
| <i>Plymouth,</i> | Capt. James Warren. |
| <i>Scituate,</i> | Ensign John Cushing, jun.§§ |
| <i>Duxbury,</i> | Capt. Seth Arnold |
| <i>Marshfield,</i> | Mr. Isaac Winslow. |

COUNTY OF BARNSTABLE.

| | |
|--------------------|-----------------------------|
| <i>Barnstable,</i> | Mr. John Bacon.¶¶ |
| <i>Yarmouth,</i> | Mr. John Miller, senior.*** |
| <i>Eastham,</i> | Mr. Israel Cole. |

COUNTY OF BRISTOL.

| | |
|------------------------|-------------------------|
| <i>Bristol,</i> | Capt. Ebenezer Brenton. |
| <i>Taunton,</i> | Mr. James Leonard. |
| <i>Dartmouth,</i> | Capt. Seth Pope. |
| <i>Rehoboth,</i> | Mr. Stephen Paine.††† |
| <i>Swansey,</i> | Mr. Ephraim Pierce.‡‡‡ |
| <i>Little Compton,</i> | Mr. William Fobes. |

JOHN WHITE, *Clerk.*

JAMES MAXWELL, *Doorkeeper to the Lieutenant-Governor, Council, and General Assembly.*

* "Senior," in the town records, and in his signature.

† Signed, for the first time, with a final e.

‡ "Capt.," in the town records; but "Esq.," in the Secretary's list. Signed "Minott," this year, to the oaths and the association.

§ "Deacon," in the town records; but "Mr.," and "Leonard," in the Secretary's list. "Learned," in the town records.

|| "Brown," in the town records.

¶ "Spaulden," in the Secretary's list.

** "Lieutenant," in the town records; but "Mr.," in the Secretary's list.

†† "Clark," in the Secretary's list.

‡‡ Not in the Secretary's list, though in the town records; and he subscribed the qualifying oaths.

§§ "Ensign," in the town records; but "Mr.," in the Secretary's list.

||| Arnold was chosen representative on the sixteenth of May, but refused to serve, and Lient. Francis Barker was elected. But, since Arnold was sworn, the latter must have declined.

¶¶ "Beacon," in the Secretary's list.

*** "Senior," in the town records.

††† "Paine," in the Secretary's list, and so subscribed to the association; but he signed the oaths. "Paine."

‡‡‡ "Pierce," in the Secretary's list, but "Pearce," in the town records. Signed "Pierce" in the subscription to the oaths.

"May 17, 1701. Then pursuant to His Majesties writt to y^e Selectmen To warn the Inhabitants of y^e Town to assemble together as y^e law directs to Chuse one to Represent y^m at y^e Great & general Court or assembly on May 28. The Town having had warning as per return of y^e Constables Mett on y^e 13th of May 1701 & Proceeded to Choice & Chose Viz: Mr. Ephraim Pearce Representative." — *Swansey town records, book 2, p. 123.*

"By virtue of a writt from y^e Speaker of the house of Representatives to Chuse one to serve instead of Ephraim Pearce he being dismissed which writt bares date y^e 16th of August & forthwith warning was Issued out to call y^e town together who mett y^e 23^d of y^e s^d month October & chose Capt. John Brown. But he not being there a Summons was sent him to attend s^d service but he would not then accept." — *Ibid., p. 124.*

"Note — At a Town Meeting Legally warned & y^e Town being mett together Feb- y^e 10th 170¹/₂ for Choice of a Representative — The Town proceeded to vote for a Representative & chose Lient. James Cole." — *Ibid., p. 127.*

ORDERS, RESOLVES AND MEMORIAL

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-EIGHTH DAY OF MAY, A. D. 1701.

CHAPTER 1.

ORDER THANKING JOSEPH BELCHER FOR HIS ELECTION SERMON AND
APPOINTING A COMMITTEE TO COMMUNICATE THE THANKS, ETC.*

Ordered, That the thanks of the board be given to Mr Joseph Belcher for his sermon preached yesterday before the general assembly, and that Samuel Sewall and John Walley, Esq^{rs}, present him therewith and desire a copy of his sermon for the press. [*Passed May 29.*]

CHAPTER 2.

RESOLVE FOR STATING THE DIVIDING LINE BETWEEN NORTHAMPTON AND WESTFIELD, PROVIDED, ETC.; ALSO FOR RESERVING FOUR HUNDRED ACRES TO WILLIAM HUBBARD, WHO WAS WOUNDED IN THE KING'S SERVICE. [*Approved June 4.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 3.

ORDER APPOINTING A HEARING OF THE TOWNS OF DEDHAM AND NATICK UPON THE DIFFERENCE BETWEEN THEM CONCERNING THE BOUNDS OF SAID TOWNS, ETC. [*Passed June 6.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

* See resolves, 1692-3, chapter 8, and 1693, chapter 1 and notes.

CHAPTER 4.

ORDER FOR POSTPONING THE HEARING ON THE PETITION OF THE SELECTMEN OF BRADFORD RESPECTING THE BOUNDS BETWEEN SAID TOWN AND ROWLEY, ETC. [*Passed June 6.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 5.

ORDER FOR REVIVING AND CONTINUING, ETC., THE COMMITTEE APPOINTED JULY 19, 1699, TO EXAMINE, ETC., THE ACCOUNTS OF CLAIMS, ETC., UNDER THE GOVERNMENT OF SIR EDMUND ANDROS. ETC., AND AUTHORIZING SAID COMMITTEE TO GRANT DEBENTURES, ETC.

Ordered — That the Committee formerly Appointed to Receive Claims of Debts, Contracted by the Publick during the Time of the Government of S^r Edmund Androsse, be, and hereby are Revived and Continued a Committee to Receive Claims of Debts contracted as afores^d for and by the Space of Three months from this Time and no longer, after which Time no Such Claims as afores^d shall be Received, which s^d Committee are to Signify by Advertisements Sent to the severall Towns of this Province. And

That s^d Committee be Directed & Impowered to Grant Debent^{rs} upon such Claims in like manner as upon Claims of such Debts, that were afore Received. [*Approved June 9.*]

CHAPTER 6.

ORDER FOR ESTABLISHING AND DEFINING THE BOUNDARIES OF TWO PRECINCTS IN THE TOWN OF SCITUATE. [*Approved June 9.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 7.

RESOLVE APPOINTING A COMMITTEE TO SETTLE THE LINES BETWEEN THE TOWNS OF SHERBURNE AND FRAMINGHAM, AND TO MAKE REPORT THEREOF AT THE PRESENT SESSION OF THE GENERAL COURT. [*Passed June 11.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 8.

RESOLVE, ON THE PETITION OF THE COMMITTEE AND INHABITANTS OF BROOKFIELD, FOR A PLAT OF THE TOWNSHIP, AND A DESCRIPTION OF THE BOUNDARIES AND QUALITY OF THE LAND, TO BE LAID BEFORE THE GENERAL COURT, AT THEIR NEXT SESSION. [*Passed June 11.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 9.

ORDER APPOINTING A COMMITTEE TO PREPARE THE DRAUGHT OF
AN ADDRESS TO THE KING, ETC.

In the House of Representatives June 11th 1701.

Ordered — That James Converse Esq^r Cap^t Samuel Phipps, Cap^t Samuel Brown John Cushion Esq^r and Maj^r Daniel Davisson ; be a Committee to Join with a Committee of the Board for the Drawing up an Adresse to his Maj^{ty} Referring to the matters Contained in the Lett^{rs} from his Maj^{ty} laid before this Court : And Such other things as may be by them thought meet to be laid before his Maj^{ty} for his Service, and Good of his Subjects here.

Sent up for Concurrence.

NEHEMIAH JEWETT. *Speaker.*

13th June. 1701. In Council Read and concurred with. And Ordered That Wait Winthrop, Elisha Cooke Samuel Sewall & Nathan Byfield Esq^{rs} with the Secretary, be a Committee of the Board for the affair aboves^d Wait Winthrop Esq^r to be chairman. the committees to sit *de die in diem*.

ISA^h ADDINGTON *Secry.*

[*Passed June 13.*]

CHAPTER 10.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED
TO INQUIRE, ETC., INTO THE GRANTS OF THE ASSEMBLY, ETC.,
AFFECTING THE BOUNDARY LINE BETWEEN DARTMOUTH, LITTLE
COMPTON AND TIVERTON, AND SETTLING THE LINE BETWEEN
SAID TOWNS, ETC.* [*Approved June 13.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc.,
of towns, etc.*]

CHAPTER 11.

ORDER REFERRING TO THE NEXT SESSION THE PETITION OF THE
TOWN OF DARTMOUTH PRAYING TO BE EXEMPT FROM PAYING
TOWARDS THE CHARGE OF BUILDING A BRIDGE OVER THE GREAT
RIVER IN TAUNTON, AND FOR NOTIFYING THE SELECTMEN OF
TAUNTON, FREETOWN, TIVERTON AND LITTLE COMPTON.

A PETITION of the town of Dartmouth, in the county of Bristol, praying to be freed from paying towards the charge of building a bridge over the Great River in Taunton, within the same county, was sent up from the representatives with the following order thereupon, viz^t, —

Ordered — That the Petition on the other side be Referred to be heard on the 2^d Wednesday of the next Session of this Court, and That the Selectmen of of the Towns of Taunton, freetown Tiverton and Little Compton, be Notified thereof, by the Petitioners. [*Concurred in by the Council, and passed June 17.*]

CHAPTER 12.

RESOLVE APPOINTING A HEARING ON THE PETITION OF SETH
PERRY AND SAMPSON MOORE RELATING TO AN ESTATE IN BOS-
TON FORMERLY BELONGING TO ONE SHEFFIELD, AND FOR NOTI-
FYING JOSEPH HOLMES THEREOF, ETC.

A PETITION of Seth Perry and Sampson Moore relating to an house and land in Boston that was the estate of one Sheffield, was sent up

* See resolves, 1698, chapter 39, *ante*.

from the representatives with their *resolve* thereupon, that the petitioners and Joseph Holmes (who pretends a right to said estates) be notified to attend on Wednesday next at two o'clock and be then heard thereon. [*Concurred in by the Council, and passed June 17.*]

CHAPTER 13.

ORDER REFERRING TO THE NEXT SESSION THE PETITION OF THE PURCHASERS AND INHABITANTS OF THE LANDS CALLED SHEWAMET, ETC., PRAYING TO BE ANNEXED TO FREETOWN, AND THAT THE SELECTMEN OF SWANZEY BE NOTIFIED THEREOF. [*Passed June 19.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 14.

RESOLVE FOR ALLOWING OUT OF THE PROVINCE TREASURY TEN POUNDS TO OLIVER PURCHASE IN CONSIDERATION OF HIS FORMER PUBLIC SERVICES.

WHEREAS M^r Oliver Purchis, an ancient public servant of the government, is fal'n to decay and become very indigent and necessitous, not having whereof to subsist now in his age and being rendred incapable of labour, —

Resolved, That in consideration of the good service done by said Oliver Purchis, he be allowed the sum of ten pounds out of the public treasury of this province for his necessary support. [*Approved June 19.*]

CHAPTER 15.

RESOLVE FOR AN ADDITIONAL* ALLOWANCE OF FIFTEEN HUNDRED POUNDS TOWARDS FORTIFYING CASTLE ISLAND.

Resolved — That the Sum of fifteen Hundred Pounds be further Allowed out of the Publick Treasury over and above what is already Granted for and towards the fortifying Castle Island. [*Approved June 20.*]

CHAPTER 16.

RESOLVE FOR ALLOWING ONE HUNDRED POUNDS OUT OF THE PROVINCE TREASURY TOWARDS REPAIRING THE FORT AT SALEM.

Resolved — That the Sum of one Hundred Pounds be Allowed out of the Publick Treasury towards Repairing the ffort at the Town of Salem, Provided That the Town afores^d Expend One hundred Pounds more for the same Use, And take Care for the future to keep it in Repair. [*Approved June 20.*]

* See resolve, 1700-1, chapter 85, *note*.

CHAPTER 17.

RESOLVE FOR ALLOWING TWENTY-TWO POUNDS OUT OF THE PROVINCE TREASURY TO CAPTAIN SAMUEL LEGG ON ACCOUNT OF FREIGHT ON SOLDIERS' CLOTHING, ETC., IN THE YEAR 1686.

Resolved, That the sum of twenty and two pounds be allowed out of the public treasury to Capt. Samuel Legg, on accompt of frieight of souldiers' cloathing, bedding, etc., computed at fifteen tuns and half, in the year 1686, put on board the ship Barbadoës, merch^t, whereof said Legg was master, then lying in the Downs, and transported therein from thence to Boston, and delivered to Joseph Dudley, Esq^r, then president. [*Approved June 24.*]

CHAPTER 18.

RESOLVE FOR ALLOWING OUT OF THE PROVINCE TREASURY ONE HUNDRED AND TWENTY-FIVE POUNDS TO JAMES RUSSELL AS COMPENSATION FOR HIS AND HIS FATHER'S SERVICES AND LOSSES SUSTAINED WHILE TREASURERS OF THE COLONY.

IN ANSWER to the Petition of James Russell Esq^r on the other side

Resolved That the Sum of One Hundred Twenty and five Pounds be Allowed out of the Publick Treasury unto the afores^d James Russell Esq^r the Petitioner as a full and finall Consideration of his Service done for the Publick as Countrey Treasur^r and Losses Sustained by him, and Richard Russell Esq^r his late father dec^d in the same service [*Approved June 25.*]

CHAPTER 19.

RESOLVE APPOINTING A COMMITTEE TO CONSIDER THE PETITION OF THE INHABITANTS OF THE COUNTY OF YORK RELATING TO DUTIES IMPOSED BY NEW HAMPSHIRE UPON VESSELS PASSING UP PISCATAQUA RIVER, ETC.

To y^e Hon^{ble} y^e Lieu^t Govern^r and Council of his Majesties Province of the Massachusetts Bay—

THE PETITION of Sundry the Inhabitants of the County of York bordering upon the river Piscataqua—

Most humbly Sheweth

That whereas an Equall right to y^e river of Piscataqua has been always accounted belonging to this Govern^t, with that of the Province of New-Hampshier, for which reason we are humbly of opinion the trade on this Side y^e river ought not to be interrupted by the Govern^t on y^e other however we are Credibly informed that y^e Generall Assembly of New hampshier have lately past an Act of 12^d ~~p~~ tun: payable by all Small vessells trading into this river And that they are resolved not to confine themselves within the Limits of their own Govern^t but to impose the Same on Such vessells as shall come to trade on this Side, which they are enabled to doe by having a ffort that comand^s y^e

mouth of y^e river whereby Small vessels will be discouraged coming to us as formerly with a Supply of Provision and other Necessaries from Boston and So Exporting our Lumber, the native product of the place, which will be very prejudicial to the Inhabitants here —

We therefore humbly Pray y^r hon^{rs} to take this matter into your Serious consideration and to give Such relief as in your hon^{rs} great wisdom Shall be thought most Meet

Kittery March 25th 1701 —

JOS: HAMOND
ICHABOD PLAISTED
JOHN HILL
CHARLES FROST,
THOMAS ABBOTT

June 3rd 1701. Read.

June 6th 1701. In the House of Representatives

Resolved That This Petition be Referred to the Committee to whom the Petition of Sam^l Sewall Esq^r & Hannah his wife, concerning their Interest in the Land of Nod is referred † That they Examine & Consider the matter thereof, and make Report of the Same, with their Opinion thereon to this Court.

Sent up for Concurrence. NEHEMIAH JEWETT. *Speaker*:

In Council. June. 25th 1701/.

Resolved, That Elisha Hutchinson, John Foster and Eliakim Hutchinson Esq^{rs} be a Committee of the Board to joyne with a Committee of the house of Representatives to consider of the matter of the within written Petition and to make Report to the Session of this Court.

Sent down for concurrence/. 'Is^a ADDINGTON Sec^{ry}

† Maj^r Converse, Capt. Phips, M^r Cushion, Maj^r Davisson.* [Passed June 25.

CHAPTER 20.

RESOLVE FOR ALLOWING AND PAYING OUT OF THE PROVINCE TREASURY SIXTEEN POUNDS FOR RENT OF THE ROOM OCCUPIED BY THE COMMISSIONERS OF IMPOST, FOR THE TWO YEARS LAST PAST.

Resolved — That the Sum of Sixteen Pounds be Allowed and Paid out of the Publick Treasury for the Rent of the Room Taken up, and Improved by the Commiss^r of Impost, for the Two Years last past. [Approved June 25.

* No record, or other memorandum than the above, of the appointment of this committee has been discovered. Probably the only record of this petition of Sewall, and of the order thereon, was in the journals of the House, which are not now extant previous to 1715, when they were first printed. The files of the House seem to have perished with the journals.

CHAPTER 21.

RESOLVE FOR APPROVING AND ALLOWING THE PROVINCE TREASURER'S ACCOUNTS FROM MAY 27, 1700, TO MAY 28, 1701.

THE ACCOMPTS of M^r James Taylor Treasurer and Receiver General of this Province Beginning the 27th day of May 1700. and continued unto the 28th day of May 1701 — amounting unto the sum of Thirteen Thousand Six hundred Eighteen Pounds Eighteen Shillings & Eight pence haveing been presented and laid before the house of Representatives and inspected by said house By which it appeares there was Standing Out on y^e said 28th day of May Of the Several Assesments Twelve hundred & Six Pounds Eight Shillings & Two pence & in the hands of the Farmers. of the Duty's of Excise Eighty Eight Pounds Sixteen Shillings & Six pence. As Also of the Duty's of Impost &c^t (as by Accompt rec^d from Jn^r Walley Esq^r late Comissio^r) Sixty Pounds to be drawn into the Treasury and further to be Accompted for.

Resolved — That the said Accompts in the Several Articles of Receipts and Payments therein mentioned. amounting unto the sum of Twelve Thousand Two hundred Sixty three Pounds fourteen Shillings be & hereby are approved and Allowed of. And the said Treasurer is hereby discharged of the said sum of Twelve Thousand Two hundred Sixty three Pounds fourteen Shillings [*Approved June 25.*]

CHAPTER 22.

RESOLVE DECLARING THE NEED OF AN AGENT FOR THE PROVINCE IN ENGLAND.

Resolved — That It is needfull for this Province To have an Agent to Negotiate their Affairs in England — [*Passed June 26.*]

CHAPTER 23.

RESOLVE FOR ALLOWING FIFTEEN POUNDS OUT OF THE PROVINCE TREASURY TO THE TOWN OF TISBURY FOR THEIR ASSISTANCE IN BUILDING A MEETING-HOUSE.

Resolved — That the sum of fifteen Pounds be Allowed out of the Publick Treasury to the Town of Tisbury for their Assistance in Building a meeting House. [*Approved June 26.*]

CHAPTER 24.

DRAUGHT OF A MEMORIAL TO THE KING IN REPLY TO HIS LETTERS TO THE GOVERNOR OF THE PROVINCE RESPECTING THE COMPLAINTS OF THE KING'S SURVEYOR OF WOODS, AND IN RELATION TO THE EXPENSE OF FORTIFICATIONS AND OF THE WAR; ALSO IN REGARD TO THE SENDING ACCESSORIES IN PIRACY TO ENGLAND FOR TRIAL, ETC., TOGETHER WITH THE VOTE APPROVING OF SAID DRAUGHT.

To the Kings most Excellent Majesty.

A MEMORIAL of the L^d Governour Council and Representatives, of your Maj^{ties} Province of the Massachusetts Bay in New-England. —

May it please your Maj.^{ty}.

Upon Perusal of your Maj^{ties} several Gracious Letters of the 19th of January and. 2^d of February. 170² Directed to your Ma^{ties} Governour Or Commander in Chief for the time being of this Province; And on Mature Consideration of your Ma^{ties} Royal Commands therein Signified.

We crave leave in all humble and dutiful manner to Represent to your Sacred Majesty. That.

As to the Complaints of the Spoil of Woods, by cutting down and converting to private uses, Such Trees as are or may be proper for the Service of your Ma^{ties} Royal Navy.

We are ignorant of any grounds for Complaints of that nature, none haveing been made to the Government here of any such practice with in this Province; which had it been, We Should have endeavoured to restrain and prevent the same,

Your Majesty haveing been pleased by yo^r Royal Comission in the Second year of yo^r Ma^{ties} Reign to Grant unto Jahleel Brenton Gent the Office of Surveyor of all and singular Woods, Fir-trees and other Timber trees within these your Territories fit and proper for the use of yo^r Maj^{ties} Royal Navy, Impowring him, his Deputy or Deputies to view Survey and marke all such Trees, and to Register the same &c^a & The said m^r Brenton and his Deputies being in the actual exercise of said Office, We might reasonably expect had any obstruction been given them therein, or any Spoils made they would have made application to the Government for redress thereof; but they have not offered at any time any such Complaint. And timber proper for your Ma^{ties} Service is of so great value and Esteem here that no persons who have any such will readily Spoil imbezel or convert it to other use, because it would be much to their disadvantage.

As to Fortifications.

The last Summer We caused a small Fortification to be Erected at Casco Bay, where there is a Garrison posted, upwards of Fifty miles to the Eastward of any present Settlement of the English. Whereby we design to accommodate the Indians for Trade, and to supply them at easy rates thô with loss to the publick, to prevent their going to the French therefor and to fix them in the English Interests. As also to Encourage the resettlement of that part of the Province, and a Plantation will be speedily set forward there, in case a new War do not commence.

The Fort formerly Erected at Pemaquid cost us not less than Twenty Thousand pounds to build and maintain the same, and we are not sensible we had in any measure a proportionable advantage thereby, the situation thereof was on a Promontory towards the Sea, much out of the ordinary Roads of the Indians; yet were we careful to furnish and Supply the same with all necessary Stores and provisions, and

had newly reinforced the Garrison, (which with that recruit consisted of more than Fourscore men), and sent them fresh Supplies, a little before it unhappily fell into the hands of the Enemy. Had the Commander been as well furnished with Conduct and Resolution, it had probably been defended.

We are humbly of Opinion That the rebuilding of a Fort at Pemaquid, lying upwards of one hundred miles distant from any part of the Province at present Inhabited by the English, can be no Security to our Frontiers, or bridle to the Indians; The onely benefit we conceive might arise thereby would be to Shelter a few Boates that may be Employed in Fishing towards those parts and at sometimes put in there, And it would draw such a considerable charge upon your Maj^{ties} Subjects, as they cannot possibly Support.

We are actually at worke in rayseing new Fortifications on Castle Island neer Boston (the place of greatest Import within this your Maj^{ties} Province) under the direction and Oversight of Col^l Romer your Maj^{ties} Engineer; which workes will amount to considerable Sums of money. And it's further necessary could we be able to support the charge thereof, (which indeed we cannot) That Fortifications should be made in several other places within this Bay, neer Boston, as Salem, Marblehead, Gloucester Plymouth & Hull, being so many avenues by which the Enemy may make Impressions upon us.

Our Incapacity for doing what is necessary in this respect, where we are more neerly concerned, We hope wth Submission will sufficiently excuse us from contributing to the charge of building and maintaining of Forts in the Province of New Hampshire; Their Ability to maintain the Fort in that Province is proportionably much greater than that of yo^r Maj^{ties} Subjects in this to do what is necessary as to Fortifications here. This Province was at very great charge to give them Assistance during the late War, and must necessarily further assist them, if War arise again. tho they have not done any thing towards reimbursing what was before

As to a Quota of Assistance in men or money for New-York,

We cannot be able to comply therewith without apparent hazard of exposing your Ma^{ties} Interests within this Province. The line of our Frontier both by Sea and Land is of far larger extent then that of New-York, and do's necessarily require by far a greater number of men to guard the same. We lye much more open and exposed to an attack by Sea, than New-Yorke do's; and if they be in hazard much more shall wee. And if War happen with France, we must expect the Indians will breake forth again, The Line of our Frontier against them is upwards of two hundred miles in Length; And the French and Indians in the late War found none or little difficulty to come from Canada down the Rivers either in their Canoes, or on the Ice in the winter Season, and infest our Northern and Western Towns, whereto they can have a more easy access than to Albany; And it is not to be thought but that they will again make [use*] of such advantage. The Inland Frontiers of New-Yorke are streng[thened*] with some of yo^r Ma^{ties} Foot Companys being constantly upon duty, and have the Five Nations a Barrier to them, who will be ready at all times to give them Notice of the approach of an Enemy, and afford them assistance. Also other of your Ma^{ties} Colony lye more contiguous to New-Yorke and can more readily afford them Succours than this Province, they lyeing less exposed.

The vast Expence this Province was at in the time of the late War

* Manuscript mutilated.

for the preservation of your Mat^{ties} Interests within the same, and in the Province of New-Hampshire (which without assistance from hence, would have become an Easy prey to the Enemy) Besides the devastations then made by the Enemy, have reduced your Maj^{ties} Subjects here to an extreem depth of poverty. The wounds they then received both in their persons and Estates are so recent, that they would labour of insuperable difficulties to be anew Embroyled in War, and liable to be transported to Serve in another Province; whilst their Familys and Estates lye exposed, at home.

As to the sending Accessories in Piracy into England for Tryal.

We fear the practice thereof will put discouragement on persons to discover any such Accessories they may know or be informed of, least they themselves be Obligated to accompany them into England, as Witnesses; which may prove ruinous to many to be taken up on a suddain and carryed away from their buisness and Familys and the like may be said as to persons accused or taken up on Suspition, who may appear innocent and be acquitted on their Tryal.

By the aforegoing Representation in which we have Endeavoured truely to Set forth the danger your Maj^{ties} Subjects and Interests, within this Province will be in of being exposed by a new War with France, together wth y^e Indians Breaking out again upon us, and our incapacity of doing what is necessary for our defence against so potent an Enemy as the French and to counterworke the crafty designes and Surprizes of the barbarous & bloody Salvages, who have such advantages against us, your Maj^{ty} may be pleased to take a view of the state of our Affairs and to judge of our wants especially of Canon, small Armes and other Stores, for War for the Furnishing of yo^r Maj^{ties} Fortifications and Garrisons within this Province. As also some Ships of War of greater Force then those at present assigned to this Station, for the better Guarding and securing of the Coast, in case of War, For which we humbly implore your Mat^{ties} Grace.

We humbly crave leave further to Subjoyn to the Answer made by S^r Henry Ashhurst. to the Petition preferred to yo^r Maj^{ty} by the Earl of Limerick for the grant of a Tract of Land called Pemaquid.

That Besides the Grant thereof made in yo^r Maj^{ties} Royal Charter for this Province. The said Land with others lying both to the Eastward & Westward thereof was anciently granted by the Council of Devon to particular persons as their own property, and by them since allotted out and a great part thereof actually improved, until the Inhabitants were forced away by the hostility of the Indians. And will be again resettled, if peace continue, which Lands are also purchased of the Indians

All which is most humbly Submitted by Your Ma^{ty}s most dutiful obedient & loyal subjects by *

The Memorial read in Council June. 26th 1701. and agreed to by the Board. Is^t ADDINGTON Sec^{ry}.

In the House of Representatives June 27th 1701.

Read and agreed to.

NEHEMIAH JEWETT. *Speaker.*

[*Passed June 27.*]

* This blank was left for the signatures of the Governor, the several councillors, and the Speaker, or other person authorized to sign for the representatives.

CHAPTER 25.

RESOLVE APPOINTING AND INSTRUCTING A COMMITTEE TO ASCERTAIN THE BOUNDARIES OF FOUR THOUSAND ACRES OF LAND ASSIGNED TO THE TOWN OF NATICK BY THE TOWN OF DEDHAM, AND TO REPORT THEREON, ETC. [*Passed June 27.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 26.

RESOLVE FOR SETTLING THE BOUNDS BETWEEN BILLERICA AND BLOODS' FARMS, AND BETWEEN SAID TOWN AND THE TOWNS OF CONCORD AND CHELMSFORD. [*Approved June 27.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 27.

RESOLVE FOR PAYING THE REMAINDER OF THE DEBTS, ETC., CONTRACTED DURING THE TIME OF SIR EDMUND ANDROS, AND EMPOWERING THE COMMITTEE THEREON TO GRANT DEBENTURES, ETC., UNTIL OCTOBER 7, 1701.

Resolved — That the Remaining Part of the Debts Contracted by the Publick during the Time of the Govern^t of S^r Edm^d Androsse which were Reported by the Co^mittee App^{te}d by this Court to Receive Claims of Such Debts, together with Such further Debts, as S^d Co^mittee Shall Receive the Claims of, within the Time Limited for that end by this Court, be Paid out of the Tax to be Granted at the present session of this Court.

That the Co^mittee aforementioned be Directed and Impowered to Grant Debenturs, upon such Claims to the respective Claim^{rs} or Credit^{rs}; And therein Attend the Directions, and Instructions that were heretofore given them by this Court for Granting Debent^{rs} upon Debts Contracted as afores^d

And That the s^d Co^mittee be Impowered to Grant Debenturs, from this Time untill the Seventh Day of October next and no longer. [*Approved June 27.*]

CHAPTER 28.

RESOLVE FOR ALLOWING TWO HUNDRED POUNDS TO JAMES TAYLOR, TREASURER OF THE PROVINCE, FOR HIS SERVICES FOR THE YEAR 1700-1.

Resolved, That the sum of two hundred pounds be allowed out of the public treasury to M^r. James Taylor, province treasurer, for his service in said office the year last past. [*Approved June 28.*]

CHAPTER 29.

RESOLVE FOR ALLOWING THIRTY POUNDS TO JAMES MAXWELL FOR HIS SERVICES AS DOORKEEPER TO THE LIEUTENANT-GOVERNOR, COUNCIL AND REPRESENTATIVES, FOR ONE YEAR ENDING JUNE 8, 1701.

Resolved, That the sum of thirty pounds be allowed to M^r James Maxwell out of the public treasury for his service as doorkeeper to his honour the lieut.-governour and council, and this court, the last year, which expired the eighth day of the present month. [*Approved June 28.*]

CHAPTER 30.

RESOLVE FOR CONTINUING FOR THE PRESENT YEAR THE COMMITTEE APPOINTED TO MANAGE THE EXPENDITURE OF THE MONEY GRANTED TOWARDS FORTIFYING CASTLE ISLAND.

Resolved — That the Co^mittee App^oint^d by this Court to lay out the money Granted the last Year for ffortifying Castle Island be a Co^mittee They or any Two of Them to Order, Direct and manage the Laying out the money Granted the present session of this Court towards ffortifying s^d Island, and to Give order, & Direction for the Repara^coⁿ, or New making of ffortifications on S^d Island therewith, And That s^d Co^mittee be duly Satisfied for Such their service out of the Province Treasury. [*Approved June 28.*]

CHAPTER 31.

RESOLVE REQUESTING THE SECRETARY TO WRITE TO THE GOVERNMENT OF NEW HAMPSHIRE REMONSTRATING AGAINST THE IMPOSITION OF TONNAGE ON VESSELS BELONGING TO THIS PROVINCE ENTERING THE PISCATAQUA.

Elisha Hutchinson, Esq^r, chairman of the committee appointed to consider of the matter of the petition of Joseph Hammond, Esq^r, and others of the county of Yorke, relating to the imposition of tunnage and other duties laid by the governm^t of New Hampshire upon vessels passing up Piscataqua river to that part of the province, etc., reported their opinion thereupon. —

It is the Opinion of the Co^mittee that a letter be written from this present Court to the Government of Newhampshire representing to them their unkindness in laying an imposition of Toⁿage on the open Sloops that go from hence into their government to trade: and unreasonable & injurious imposeing the Same on vessels that must pass into the River to the late province of Mayn

In Council, June 28th 1701.

Read and approved, Is^a ADDINGTON Sec^y.

In the House of Representatives, June 28th 1701

Read & *Resolved* a Concurrence. And That m^r sec^y be Desired a Letter for the end aboves^d
 NEHEMIAH JEWETT: *Speaker*
 [*Approved June 28.*]

CHAPTER 32.

RESOLVE REFERRING TO THE NEXT SESSION THE PETITION OF THE TOWN OF SHERBURNE PRAYING FOR A SETTLEMENT OF THE BOUNDARY LINES BETWEEN SAID TOWN AND FRAMINGHAM, ETC.
[*Passed June 30.*

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 33.

RESOLVE AUTHORIZING THE COMMANDER-IN-CHIEF, ETC., TO TRANSPORT PART OF THE MILITIA INTO THE PROVINCE OF NEW HAMPSHIRE IN THE VACANCY OF THE GENERAL ASSEMBLY. [*Approved June 30.*

[*Printed in the note to the act of March 16, 1699-1700.*]

CHAPTER 34.

RESOLVE FOR REMITTING FIFTEEN POUNDS TO PENN TOWNSEND OF BOSTON, FARMER OF THE EXCISE.

Resolved, That the sum of fifteen pounds be abated unto Penn Townsend, Esqr., out of the sum which he agreed to pay for the excise which he farmed in the year 1698, in consideration of his not receiving excise from the town of Bristol. [*Approved June 30.*

CHAPTER 35.

RESOLVE FOR ALLOWING TEN POUNDS TO JOHN WHITE, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES IN THE YEAR 1701-2.

Resolved, That the sum of ten pounds be allowed and paid to Mr. John White, clerk of the house of representatives, in part of what shall be allowed him for his service this year out of the public treasury. [*Approved June 30.*

RESOLVES, ORDERS, ADDRESS, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRTIETH DAY OF JULY, A. D. 1701.

CHAPTER 36.

RESOLVE APPOINTING A COMMITTEE TO PREPARE THE DRAUGHT
OF LETTERS IN ANSWER TO LETTERS OF SIR HENRY ASHURST,
BART., AND CONSTANTINE PHIPPS, REFERRING TO THE AFFAIRS
OF THIS PROVINCE.

In Council.—

Resolved, That John Hathorne, Jonathan Corwin and Nathaniel Thomas Esq^{rs} be a Committee to joyn^e with a Committee to be named by the house of Representatives, to prepare the draught of Letters in answer to the last Letters received from S^r Henry Ashhurst, and Constantine Phipps Esq^{rs} referring to the Affairs of this Province —.

July. *ult.* 1701. Sent down for Concurrence./

Is^a ADDINGTON *Sec^{ry}*.

In the House of Representatives *Die p^{di}c*.

Resolved — a Concurrence, And That M^r W^m Denison, Cap^t Thomas Oliver, M^r Ebenezar Brenton and M^r John White be a Co^mittee to Join with the Co^mittee of the Board for the affair abovementioned.

NEHEMIAH JEWETT. *Speaker*.

[*Passed July 31.*

CHAPTER 37.*

RESOLVE DETERMINING THAT AN AGENT BE SENT TO ENGLAND TO
NEGOTIATE THE AFFAIRS OF THE PROVINCE THERE.

Resolved, That an agent be sent from this province to manage the affairs thereof in England. [*Passed June 30; approved July 31.*

* The chapters marked with an asterisk were passed, in concurrence, during the previous session, on the days given at the end of those chapters, respectively; but the fatal illness of the Lieutenant-Governor preventing his signing them during that session, they were formally approved and consented to at this session by a majority of the Council acting in their executive capacity, under the charter. This consent was signified in two separate orders dated, respectively, July 31, and August 1, to which the councillors subscribed their names instead of signing each resolve in the usual manner.

CHAPTER 38.*

RESOLVE APPOINTING WAIT WINTHROP AGENT TO ENGLAND.

Resolved — That Wait Winthrop Esq^r be sent by this Court as an Agent for this Province to manage the affairs thereof in England
[*Passed June 30; approved July 31.*]

CHAPTER 39.*

RESOLVE FOR ALLOWING A PENSION OF FIVE POUNDS PER ANNUM FOR LIFE TO JEREMIAH BUMSTEAD OF BOSTON, WOUNDED AND DISABLED IN THE KING'S SERVICE.

A PETITION of Jeremiah Bumstead of Boston was sent up from the representatives with the resolve of y^t house thereupon, as follows; viz^t, —

Resolved — That the Sum of five Pounds be from the Seventh Day of this month annually Allowed and Paid out of the Publick Treasury unto Jeremiah Bumstead the above Petitioner in Considera^on of his being made a Creeple, by a Wound Received in His Maj^{ties} service against the Indian Enemy. during his naturall life. four Pounds thereof being to be understood as y^e Allowance formerly given to s^d Petition^r on Consideration afores^d [*Concurred in by the Council, and passed June 6; approved August 1.*]

CHAPTER 40.*

RESOLVE FOR ALLOWING AND PAYING FOUR POUNDS OUT OF THE PROVINCE TREASURY TO BENJAMIN NASON OF BERWICK TO PARTLY REIMBURSE HIM THE SUM HE PAID FOR THE REDEMPTION OF HIS DAUGHTER FROM CAPTIVITY.

A PETITION of Benjamin Nason of Barwick praying to be allowed the charges by him disbursed in redeeming his daughter from the Indians, with whom she had bin several years captive, was sent up from the representatives with the resolve of that house thereupon, —

Resolved — That the sum of four Pounds be Allowed, and Paid out of the Publick Treasury to the Petitioner Benjamin Nason towards Defraying the Charge of his Daughters Redemption [*Concurred in by the Council, and passed June 6; approved August 1.*]

* See note to chapter 37, *ante*.

CHAPTER 41.*

RESOLVE FOR PAYING FIVE POUNDS OUT OF THE PROVINCE TREASURY TO CAPTAIN THOMAS BROWN TO REIMBURSE HIM FOR THE LOSS OF HIS HORSE WHILE IN PURSUIT OF THE INDIAN ENEMY IN THE YEAR 1697.

A PETITION of Capt. Thomas Brown praying compensation for the loss of his horse in pursuit of the Indian enemy, *anno* 1697, was sent up from the representatives with the resolve of that house thereupon, —

Resolved That there be paid to y^e petition^r Cap^t Thos: Browne five pounds in full Compensation for his Loss of his horse, out of the Publick Treasury [*Concurred in by the Council, and passed June 10; approved August 1.*]

CHAPTER 42.*

RESOLVE FOR ALLOWING AND PAYING TWENTY-FOUR POUNDS NINETEEN SHILLINGS AND ELEVENPENCE TO CALEB RAY, LATE KEEPER OF THE JAIL IN BOSTON, IN FULL OF HIS ACCOUNT FOR KEEPING SUNDRY PERSONS COMMITTED FOR PIRACY, ETC.

AN ACCOMPT of Caleb Ray, late keeper of his maj^{ties} goal in Boston, for keeping of sundry persons committed for piracy, etc., was sent up from the representatives with the *resolve* of that house thereupon, that the sum of twenty-four pounds nineteen shillings and eleven pence be allowed and paid out of the public treasury unto the said Caleb Ray in full of his account. [*Concurred in by the Council, and passed June 10; approved August 1.*]

CHAPTER 43.*

RESOLVE FOR PAYING FIVE POUNDS AND TEN SHILLINGS OUT OF THE PROVINCE TREASURY TO ARTHUR MASON OF BOSTON, AS FULL COMPENSATION OVER AND ABOVE WHAT HE HAS ALREADY RECEIVED, FOR HIS SERVICES AS COMMISSIONER TO NEW YORK FROM THE LATE COLONY OF MASSACHUSETTS BAY.

Resolved — That in answer to y^e petition of Arthur Mason there be paid out of the Province Treasury five pounds ten Shillings to y^e sd Arthur Mason in full Satisfaction for his service, over and above what he formerly Received — [*Passed June 12; approved August 1.*]

* See note to chapter 37, *ante*.

CHAPTER 44.*

ORDER FOR SETTLING THE BOUNDS BETWEEN THE TOWN OF SUD-BURY AND THE FARMS ANNEXED TO FRAMINGHAM. [*Passed June 13; approved August 1.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 45.*

ORDER DIRECTING THE PROVINCE TREASURER TO RECEIVE, ETC., OF BENJAMIN FITCH AND HENRY HILL, CONSTABLES OF BOSTON, THREE BILLS OF PUBLIC CREDIT AMOUNTING, IN ALL, TO SEVENTEEN SHILLINGS.

Ordered, That the treasurer receive and give credit for two indented bills of the Massachusetts Colony, one of five shillings and the other of two shillings value, belonging to Benjamin Fitch, and for one indented bill of said colony of ten shillings, belonging to Henry Hill, constables of Boston. [*Passed June 17; approved August 1.*]

CHAPTER 46.*

RESOLVE FOR ALLOWING FIFTEEN POUNDS OUT OF THE PROVINCE TREASURY TO WARHAM MATHER FOR HIS SERVICES AS CHAPLAIN AT NORTHFIELD DURING THE TIME OF SIR EDMUND ANDROS.

Resolved That the sum of fifteen Pounds be Allowed out of the Publick Treasury to M^r Warham Mather for his Service as Chaplain at Northfield in the Time of the Govern^t of S^r Edm^d Androsse. [*Passed June 20; approved August 1.*]

CHAPTER 47.*

RESOLVE FOR GRANTING A TOWNSHIP EIGHT MILES SQUARE TO THE INHABITANTS OF SPRINGFIELD, PROVIDED THEY SETTLE THEREON, ETC., AND APPOINTING A COMMITTEE TO MANAGE SAID AFFAIR, ETC. [*Passed June 20; approved August 1.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

* See note to chapter 37, *ante*.

CHAPTER 48.*

RESOLVE FOR PAYING A PENSION OF SEVEN POUNDS PER ANNUM TO NICHOLAS PICKETT, A SOLDIER WOUNDED IN THE KING'S SERVICE, IN PLACE OF FIVE POUNDS PER ANNUM FORMERLY GRANTED.†

Resolved, That henceforward there be paid out of the public treasury unto Nicholas Picket of Marblehead, a soldier wounded in his majestie's service, a stipend of seven pounds per year, annually, in lieu of the five pounds per annum formerly granted him. [*Passed June 27; approved August 1.*]

CHAPTER 49.*

RESOLVE FOR ALLOWING OUT OF THE PROVINCE TREASURY FIVE POUNDS, EACH, TO THE TOWNS OF WELLS AND YORK, AND TEN POUNDS TO THE PRECINCT OF BERWICK, FOR THE MAINTENANCE OF THE MINISTRY.

Resolved — That the sum of five Pounds be Allowed to the Town of Wells & the like sum of five Pounds to the Town of York, And the sum of Ten Pounds to the Precinct of Barwick in the Town of Kittery out of the Publick Treasury towards the maintenance of the ministry in s^d Towns & Precinct. [*Passed June 28; approved August 1.*]

CHAPTER 50.*

RESOLVE FOR ALLOWING AND PAYING TWO POUNDS TO SAMUEL PHIPPS FOR EXTRAORDINARY SERVICE DONE BY HIM FOR THE HOUSE OF REPRESENTATIVES.

Resolved, That the sum of two pounds be allowed and paid out of the public treasury to Capt. Samuel Phips in consideration of extraordinary service by him done for the house of representatives. [*Passed June 30; approved August 1.*]

CHAPTER 51.

ORDER APPOINTING A COMMITTEE TO INFORM WAIT WINTHROP OF HIS APPOINTMENT AS AGENT TO NEGOTIATE THE AFFAIRS OF THE PROVINCE IN ENGLAND.

In the House of Representatives. Aug^t 1^{mo} 1701.

Ordered — That the Committee of this House App^{ted} to Join with a Committee of the Board to Draw an Adresse to his Maj^{ty}, be App^{ted} to

* See note to chapter 37, *ante*.

† See vote, 1697, chapter 46.

Join with such Members as the Board shall Appoint, to wait on the Hon^{ble} Wait Winthrop Esq^r and Acquaint him That this Court have made choice of him as their Agent, to Negotiate the Affairs of this Province in England, & Pray him to Accept & Undertake that Service.

Sent up for Concurrence. NEHEMIAH JEWETT. *Speaker*

In Council. Aug^t 1st 1701.

Ordered, That Elisha Cooke, Samuel Sewall and Peter Sergeant Esq^{rs} be a Committee of the Board to joyne with the Committee of the Representatives for the Affair aforesaid.

Is^a ADDINGTON *Sec^{ry}*.

[*Passed August 1.*

CHAPTER 52.

RESOLVE APPOINTING A COMMITTEE TO PREPARE A DRAUGHT OF INSTRUCTIONS FOR THE AGENT TO BE SENT TO ENGLAND.

In the House of Representatives Augst 1^{mo} 1701.

Resolved — That James Converse Esq^r Cap^t Sam^l Phipps. John Cushion Esq^r Cap^t Sam^l Brown, & Maj^r Dan^l Davisson be a Co^mittee, to Join with a Co^mittee of the Board to Prepare, and Lay before this Court Instructions for the Agent to be sent from this Province to Negotiate their Affairs in England.

Sent up for Concurrence. NEHEMIAH JEWETT. *Speaker*

In Council. *die predict.*

Pas't a Concurrence and That Elisha Cooke, Samnel Sewall Esq^{rs} and the Secretary be a Committee of the Board to joyne with the Committee of the Representatives for the Affayr abovemention^d

Is^a ADDINGTON *Sec^{ry}*.

[*Passed August 1.*

CHAPTER 53.

RESOLVE FOR SENDING A VESSEL TO PROCURE INTELLIGENCE CONCERNING THE FRENCH SOLDIERS LATELY ARRIVED AT PORT ROYAL.

WHEREAS This Court have Received Advice That severall French ships of force with Six Hundred Souldiers are lately Arrived at Port-Royall in Nova scotia, concerning which matter They Apprehend it needfull that further Intelligence be obtained.

Resolved That a shallop or some other suitable vessell be sent forthwith to make Discovery of the Posture & Proceedings of the ffrench there. [*Approved August 5.*

CHAPTER 54.

RESOLVE FOR ALLOWING AND PAYING FORTY-FIVE POUNDS, EACH, TO WAIT WINTHROP, ELISHA COOKE AND SAMUEL SEWALL, JUSTICES OF THE SUPERIOR COURT, ETC., FOR THEIR SERVICE FOR ONE YEAR ENDING DECEMBER, 1700, AND TWENTY-TWO POUNDS AND TEN SHILLINGS TO JOHN WALLEY, ONE OF THE JUDGES OF SAID COURT, FOR ONE HALF YEAR'S SERVICE TO THE SAME DATE.

Resolved — There be Allowed and Paid out of the Publick Treasury to the Hon^{ble} Wait Winthrop, Elisha Cooke, and Samuel Sewall Esq^{rs} Judges of the Super^r Court of Judicature, to each of them the Sum of forty and five Pounds, for their Service the Year last past Expiring in Decem^r and to the Hon^{ble} John Walley Esq^r one of the Judges of S^d Court the Sum of Twenty and Two Pounds Ten shillings for halfe a Year's Service Expiring at the Time afores^d [*Approved August 6.*]

CHAPTER 55.

DRAUGHT OF AN ADDRESS TO THE KING, AND RESOLVE THAT THE SAME BE ENGROSSED AND FORWARDED.

To the Kings most Excellent Majesty.—

THE HUMBLE ADDRESS of the Council and Representatives of your Maj^{ties} Province of the Massachusetts Bay in New-England in General Court assembled —

Most Gracious & Dread Sovereign.

We crave leave in all humility to express the deep sorrow where-with we are very sensibly affected under the awful Dispensations of Divine Sovereignty towards us. First in the death of the truly Noble Earl of Bellomont your Ma^{ties} late Captain General and Governour in Chief of this yo^r Province and soon after in the death of the Hon^{ble} William Stoughton Esq^r your Maj^{ties} late L^t Governour and Commander in Chief of the same ; Deploring our great unhappiness in being deprived of the Conduct of two such Worthy persons more especially at a time when the present conjuncture makes us stand in the greatest need of all that wisdom Skill and prudence for directing the Affairs of the Government which we had large experience of in them.

Our Trust under God is nextly on your Ma^{ties} Grace towards us, Hoping That the same Royal Goodness which inclined yo^r sacred Majesty to be favourable to your good Subjects here in the appointing of persons so worthy and desirable to the chief places of Government over us will still dispose your Majesty to have the like Princely care of and Re-guard to us.

Royal S^r

We humbly crave leave further to let your Majesty understand That we have had the perusal of your Maj^{ties} several Gracious Letters of the 19th of January and 2^d of February 170¹/₂ : and on mature Consideration of your Maj^{ties} Royal Pleasure therein signified, have humbly made bold in a Memorial accompanying this our Address to represent and set before your sacred Maj^{ty} the true state of our affayrs humbly praying your Maj^{ty} to be graciously pleased to cast a favourable Aspect thereon And of your Royal bounty to afford the Supplys and assistance

therein mentioned as necessary for the defence of your Ma^{ties} Interests within this your Province; whereby your good Subjects will be further Encouraged in their Duty.

The warm Rumours we have of the probability of the opening of a new and bloody War makes us repeat our pressing Instances on this Occasion, And We have accordingly appointed Wait-Winthrop Esq^r to attend your Majesty with this our Address, And to Sollicit the Affairs of this Government *Humbly Praying* That he may have liberty of Access to your Maj^{ties} Royal Presence and yo^r Maj^{ties} Gracious Countenance to him in his humble Applications on behalfe of yo^r Maj^{ties} good Subjects here And we shall be thereby further Obligated, as in duty bound, constantly to pray for your Maj^{ties} long life and prosperous Reign/.

May it please yo^r Maj^{ty} .

Your Ma^{ties}

Most Loyal, Obedient and Dutiful Subjects. — .

In the House of Representatives August 7. 1701.

Resolved — That This Adresse be fairly Engross'd and humbly Presented to his Majesty [*Approved August 7.*]

CHAPTER 56.

RESOLVE FOR ALLOWING TEN POUNDS, EACH, TO WAIT WINTHROP, ELISHA COOKE AND PENN TOWNSEND FOR THEIR SERVICES AS A COMMITTEE TO WAIT UPON THE EARL OF BELLOMONT AT NEW YORK.

Resolved — That there be Allowed out of the Publick Treasury unto the Hon^{ble} Wait Winthrop, Elisha Cooke, and Penn Townsend Esq^{rs} to each of Them the Summ-of Ten Pounds for their service in Travelling to New Yorke to Congratulate the Arrivall of his Excellency the Earle of Bellomont late Govern^r of this his Maj^{ties} Province. [*Approved August 7.*]

CHAPTER 57.

MINUTES OF ANSWERS TO LETTERS RECEIVED FROM CONSTANTINE PHIPPS AND SIR HENRY ASHURST, AGENTS OF THE PROVINCE, ETC., AND ORDERS DIRECTING THE SECRETARY OF THE PROVINCE TO PREPARE LETTERS ACCORDINGLY.

MINUTES in Answer to a Letter from Constantine Phipps Esq^r Dated London May 16th 1700. Directed to his Excellency the Earle of Bellom^t the Govern^r & the Hon^{ble} the Councill of the Mass: Bay in N: E: That acknowledgment be made of his great Kindness & Respect for the province manifested therein. And that Thanks be Returned for his Great & Good Service donē for vs

That whereas s^d Const: Phipps writes, he Expects as much as S^r H: Ashhurst, being in joint Comission with him. It be Answered we have not had an Acc^t from S^r H: Ashhurst of his Disbursm^{ts} & so know not what he hath had for his Trouble.

That an Hundred Pounds Sterl: be ordered him as a further Acknowledgm^t of his service for us.

In the House of Representatives Augst 8th 1701. Read &
Ordered — That M^r Sec^y. be Desired to Draw a Letter accord-
 ingly.

Sent up for Concurrence. NEHEMIAH JEWETT. *Speaker*.

In Answer to a Lett^r from S^r H: Ashhurst Dated from London Ap.
 y^e 30th 1700. Directed to his Exc^y the Govern^r Councill & Gen^l Assem-
 bly of the Massachusetts Bay in New England.

That Acknowledgm^t be made of his great kindnesse & respect for
 the Province manifested therein &

That we never expected a p^ticular Acc^t of all your Disbursem^{ts} when
 & to whom made, or a Rating of your Time and Pains, but as we
 wrote in our last such an Acc^t of your Disbursem^{ts} as you can give, and
 the matters they relate unto will conveniently bear. & particularly an
 Acc^t of the navall Stores.

Thanks to be return'd for his great Pains taken and service done for
 us, in attending at the severall offices &c his Answer to the Earle of
 Limerick's Petition &c.

That we do not know the Claim of Duke Hamilton concern'd this
 Province, but are thankfull for his service in Preventing the Patent of
 Incorporation &c.

In the House of Representatives Augst 8th 1701. Read &
Ordered — That M^r Sec^y be Desired to Draw a Lett^r accordingly

Sent up for Concurrence. NEHEMIAH JEWETT *Speaker*
 [Approved August 8.]

CHAPTER 58.

RESOLVE FOR ADVANCING MONEY TO WAIT WINTHROP, AGENT FOR
 THE PROVINCE, FOR THE PURPOSES OF SAID AGENCY, AND FOR
 AUTHORIZING THE COUNCIL TO EXPEND A FURTHER SUM FOR
 THE SAME PURPOSE; BEING IN ALL ONE THOUSAND POUNDS.

Resolved — That the Sum. of five Hundred Pounds be Advanced out
 of the Publick Treasury towards furnishing the Hon^{ble} Wait Winthrop
 Esq^r Agent for this Province, with money necessary for him in his
 Agency. And five Hundred Pounds more out of the Publick Treas^y
 for s^d service when the Hon^{ble} Councill shall see there is need for it.
 [Approved August 9.]

CHAPTER 59.

RESOLVE INVESTING THE COUNCIL WITH THE CHARGE OF HARVARD
 COLLEGE, ETC., UNTIL THE NEXT SESSION OF THE GENERAL
 COURT.

Resolved — That It be left with the Hon^{ble} Councill, to take Care of
 and Order what Shall be further necessary to the Settlem^t of the Col-
 ledge untill the next Assembling of this Court.

That (if it may be) the Person who Shall have the chief Govern-
 ment of the Colledge Reside there, And Perform the Service that hath
 formerly been Discharg'd by Presidents. [Approved August 9.]

CHAPTER 60.

ORDER FOR REFERRING TO THE NEXT SESSION OF THE GENERAL COURT THE PETITION OF THOMAS BRATTLE AND TIMOTHY CLARKE, A COMMITTEE TO SUPERINTEND THE REBUILDING AND REPAIRING FORTIFICATIONS ON CASTLE ISLAND, REQUESTING THE PETITIONERS TO CONTINUE SAID WORK.

ON THE PETITION of Timothy Clarke and Thomas Brattle, the committee appointed to superintend the rebuilding and repairing fortifications on Castle Island, — *

Ordered — That the Considera^{co}n of this Petition be Referred to the next session of this Court, the Petitioners be Desired to Continue & Proceed in the work Comitted to them, And this Court will Take care that all reasonable Satisfaction be made them for their service [*Passed August 9.*]

CHAPTER 61.

RESOLVE AND ORDER APPOINTING THURSDAY, THE EIGHTEENTH DAY OF SEPTEMBER, 1701, AS A DAY OF GENERAL FASTING.

In the House of Representatives.—Friday Aug^t 8th 1701 A : M :

Resolved, That on Thursday the 18th day of septemb^r next there be kept a Solemn ffast throughout this province In consideration of the Sundry Awfull providences hereafter mentioned viz^t Respecting the Awfull breach made upon us in the Death of our late Hon^{ble} Governour and Lieu^t Governour And hand of God against us as to the Blasting the ffruits of the Earth, and for the Seeking the favour of God with respect to our affairs Committed to the Mannagement of our Agent and Such other things as the Hon^{ble} Council shall see cause further to add —

Sent up &^c —

Aug^t y^e 9th A : M : Mr Secretary brought down the *Resolve* of this House concerning a Publick ffast and Acquainted the House That the Board Consented that a Solemn ffast should be solemnized on the day therein appointed but that if the House saw meet they would Assigne the Occasions thereof. —

Ordered, That it be left with the Hon^{ble} Board to draw up a proclamation for a ffast/— [*Passed August 9.*]

* This preamble was prepared by the editor to make the order intelligible without printing the petition in full. Although no record of concurrence in this order by the Council has been discovered, it appears by the Council Records, that Brattle's petition was before the Board on the same day on which this order was passed in the House, and that the Council then voted to visit the Castle the following Monday. Sewall, who in his diary gives an account of this visit, declares that it was made "to try to compose the differences between the Capt. [Clarke, the other petitioner] and Col. Romer." From these circumstances, as well as from the fact that the commissioners to superintend the fortifications, etc., continued their work under the direction of the Council, and that allowances therefor were repeatedly voted to them in subsequent sessions of the Assembly, the inference is conclusive that this order was virtually approved, if not formally concurred in, by the Council.

RESOLVES AND ORDERS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRD DAY OF SEPTEMBER, A. D. 1701.

CHAPTER 62.

RESOLVE AMENDING CHAPTER 16 OF THE RESOLVES OF THIS YEAR
AND DIRECTING THE APPLICATION OF THE POWDER AND POWDER-
MONEY RECEIVED AT THE IMPOST-OFFICE AT SALEM TO THE RE-
PAIRS OF THE FORT IN SAID TOWN.

Resolved — That the last clause in the Resolution of this Court at
the last session thereof for giving one Hundred Pounds towards Re-
pairing the ffort at the Town of Salem be Reassumed and cut off viz :
[And Take Care for the future to keep it in Repair.]

And That the Powder and Powder money Received at the Impost
office at s^d Town of Salem shall henceforward be Applied and Improved
for the Use of the aboves^d ffort. [*Approved September 4.*]

CHAPTER 63.

RESOLVE FOR ALLOWING THIRTY SHILLINGS TO ELIZABETH RILEY,
BEING THE WAGES DUE TO HER SON, NICHOLAS WALLINGFORD,
A SOLDIER IN THE KING'S SERVICE.

Resolved, That the sum of thirty shillings be allowed unto Elizabeth
Riley (formerly Wallingford) out of the publick treasury, in considera-
tion of her son, Nicholas Wallingford, his serving his maj^{ty} as a soul-
dier about three years since. [*Approved September 4.*]

CHAPTER 64.

ORDER APPOINTING A HEARING UPON THE REPORT OF THE COM-
MITTEE ON THE PETITION OF THE TOWN OF BOXFORD RESPECT-
ING THE BOUNDARY LINE BETWEEN THAT TOWN AND TOPSFIELD.
[*Approved September 5.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc.,
of towns, etc.*]

CHAPTER 65.

ORDER REFERRING TO THE NEXT SESSION OF THE GENERAL COURT
THE SEVERAL HEARINGS APPOINTED TO BE ATTENDED THE
PRESENT SESSION.

Ordered, That the several hearings appointed to be attended this
present session be referred to be attended the second Wednesday of
the next session of this court. [*Approved September 5.*]

CHAPTER 66.

RESOLVE FOR REMITTING THIRTY-ONE POUNDS AND TEN SHILLINGS
TO SAMUEL WAKEFIELD OF SALEM, AND JOHN WILSON OF IPS-
WICH, FARMERS OF THE EXCISE.

Resolved, That the sum of thirty-one pounds and ten shillings be
remitted unto Samuel Wakefield of Salem, and John Wilson of
Ipswich, fermers of the excise arising within the counties of Plym-
outh, Bristol and Dukes County in the year 1698, of the sum due from
them for excise. [*Approved September 5.*]

CHAPTER 67.

ORDER AUTHORIZING THE COUNCIL TO PREPARE FOR THE RECEP-
TION OF GOVERNOR DUDLEY.

Ordered — That when His Maj^{ties} Govern^r of this Province shall
Arrive here; It be left to the Hon^{ble} Councill, to Take Care for, and,
Order, His Reception, with all due Respect and Honour. [*Approved
September 6.*]

CHAPTER 68.

RESOLVE FOR ALLOWING TWELVE POUNDS OUT OF THE PROVINCE
TREASURY TOWARDS THE MAINTENANCE OF A MINISTER IN THE
TOWN OF DUNSTABLE.

Resolved — That the Sum of Twelve Pounds be Allowed to the Town
of Dunstable out of the Publick Treasury towards the Maintenance of
their minister. [*Approved September 6.*]

CHAPTER 69.

RESOLVE REQUESTING SAMUEL WILLARD, NOMINATED AS VICE PRESIDENT, AND OTHERS, NOMINATED AS CORPORATORS, OF HARVARD COLLEGE, TO TAKE CHARGE OF THE COLLEGE AND STUDENTS, ETC.

Resolved, That the Rev^d M^r Samuel Willard nominated for Vice President of the Colledge, (together with the Gentlemen named for the Corporation in the order of this Court) be desired to take the care and Over Sight of the Colledge and Students there according to the late Establishm^t made by this Court and to manage the affairs thereof, as he has proposed in his answer to this Court. Viz^t to reside there for one or two days and nights in a week, and to perform prayers and Expositions in the Hall and to bring forward the Exercise of Analysing. —. [*Approved September 6.*

RESOLVES, ADDRESS AND ORDERS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE FIFTEENTH DAY OF OCTOBER, A.D. 1701.

CHAPTER 70.

RESOLVE FOR FORWARDING TO CONSTANTINE PHIPPS, AGENT OF THE PROVINCE, THE ADDRESS AND MEMORIAL OF THE GENERAL COURT TO THE KING, ETC., AND FOR ALLOWING SAID AGENT ONE HUNDRED POUNDS STERLING.

Resolved — That the Addresse and Memoriall of this Court to His Maj^{ty} *mutatis mutandis*, be Sent to Constantine Phipps Esq^r with what other Applications this Court shall see needfull at this Session to make to the Court at home, with the Desires of this Court that he will Prefer the Same, and Solicit the matters therein Contained on behalfe of this Province. &

That an Hundred Pounds Sterling be Allowed and Paid out of the publick Treasury to said Constantine Phipps, as a further Acknowledgment of his Service as Agent for this Province. [*Approved October 17.*]

CHAPTER 71.

DRAUGHT OF AN ADDRESS TO KING WILLIAM, AND THE RESOLVE FOR ENGROSSING AND PRESENTING THE SAID ADDRESS.

To the Kings most Excell^t Ma^{ty}

THE HUMBLE ADDRESS of the Council and Representatives of your Ma^{ty}s Province of y^e Massachusetts Bay in New England in General Court assembled.

May it please your Ma^{ty}

Upon the death of your Ma^{ty}s Cap^t General and Governour in chief over this yo^r province and of the Lieu^t Governour. we had sometime since prepared an humble address to your sacred Ma^{ty} and a Memorial accompanying the same and had also Appointed an Agent to attend your Ma^{ty} humbly to present our s^d Address and Memorial and to solicit the affairs of this Government But before an opportunity presented for his setting forward, Intelligence arriving that your Ma^{ty} had

been graciously pleased to appoint a Govern^r over this your Territory who might be expected here in a very short time his dispatch was deferred, that we might have the advantage of the Governours advice and directions in the further humble Representations and supplications necessary to be made to your Royal Ma^{ty} on behalfe of this yo^r Province.

Now, Your Ma^{ty}s Governour not being arrived and the ships bound for England in a readiness to Saile, we embrace this opportunity, (not knowing when another may offer) to forward our s^d Address and Memorial to be humbly presented by another hand. And crave leave in all humility further to express our dutiful & thankful acknowledgem^{ts} of your Ma^{ty}s princely care of and Royal bounty to us in the supply of fifty barrels of Powder which your Ma^{ty} has been graciously pleased to bestow upon us, and is arrived. And we are thereby encouraged to hope that Yo^r Ma^{ty}s Royal bounty will extend to a further supply of stores for war as mentioned in our afores^d Memorial, Our Fortifications on Castle Island being much enlarged by the direction of Col^o Romer your Ma^{ty}s Engineer whereon we have and shall be at very great charge.

And Forasmuch as we are given to understand That thrô the suggestions of some persons not well affected to charter Governm^{ts} A Bill has been preferred in the house of Lords for the vacating of Charter and Proprietary Governm^{ts} within yo^r Ma^{ty}s Plantations We in all submission crave leave humbly to pray your Ma^{ty}s Grace & favour towards your good subjects within this yo^r Province: that no such suggestions may make impression in your Royal Breast to deprive us of those priviledges which we enjoy under your Ma^{ty}s most gracious Grant, and that we may not be included in any such act to our prejudice without having opportunity given us of being heard & speaking for ourselves. which will greatly animate your Ma^{ty}s good subjects in continuing to pray for your Ma^{ty}s long life and prosperous Reign

Royal S^r Your Ma^{ty}s

Boston Octob^r 18th 1701

Most obedient, most dutiful
and Loyal subjects.

| | |
|----------------------------|-------------------------|
| PETER SERGEANT | WAIT WINTHROP |
| JOSEPH LYNDE | JA RUSSELL |
| E ^m HUTCHINSON | ELISHA COOKE |
| DANIEL PEIRCE | ELISHA HUTCHINSON |
| NATH ^l THOMAS | SAM ^l SEWALL |
| NATH ^l BYFIELD | W ^m BROWNE |
| BENJ ^a BROWNE | JOHN FOSTER |
| SAM ^l PARTRIDGE | PENN TOWNSEND |
| | JOHN WALLEY |

& In the name and by order of the house of Representatives

NEHEMIAH JEWETT *Speaker.*

Resolved — That this Adresse be fairly Engross'd & humbly Presented to His Maj^{ty} [*Approved October 18.*]

CHAPTER 72.

ORDER FOR A MESSAGE TO THE COUNCIL FOR THE APPOINTMENT
OF A DAY OF PUBLIC THANKSGIVING.

In the House of Representatives

Saturday Octob^r 18th 1701 A : M : —

Ordered, That a Message be Sent up to the Board moving that a day of Publick and Solemn Thanksgiving to Almighty God be appointed and Celebrated throughout this province for the great and Manifold Mercies of God Vouchsafed thereto the year past — [*Passed October 18.*

CHAPTER 73.

RESOLVE FOR REVIVING AND CONTINUING THE COMMITTEE APPOINTED JULY 19, 1699, TO EXAMINE, ETC., THE ACCOUNTS OF CLAIMS, ETC., UNDER THE GOVERNMENT OF SIR EDMUND ANDROS, AND FOR EMPOWERING THEM TO GRANT DEBENTURES, ETC., AND FOR LIMITING THE TIME FOR THE RECEPTION OF SAID CLAIMS.

Resolved that the Committe formerly Appointed to Grant Debentures upon Claimes of Debts, Contracted by the Publick in y^e time of the Government of S^r Edmund Andross be Revined and further Continued and Impowred to Grant Debentures upon Such Debts according to the directions and Instructions heretofore given them by this Court, untill y^e 17th Day of Janua^r next, after the Expiration of which Terme, the Said Comitte is dismiss And Said Comitte are directed to Signyfie y^e same by Sending advertisements thereof as soon as may be to y^e Severall Towns of this Province — [*Approved October 18.*

CHAPTER 74.

RESOLVE FOR AN ORDER TO THE PROVINCE TREASURER TO REMIT ONE HUNDRED POUNDS STERLING TO CONSTANTINE PHIPPS, AND SIXTY POUNDS STERLING TO JOHN CHAMPANTE, IN LONDON.

Resolved — That an order be Given the Treasurer of this Province, forthwith to Remitt, One Hundred Pounds Sterling to Constantine Phipps Esq^r Counsell^r at Law in London, and the sum of sixty Pounds sterling to M^r Juⁿ^r Champante — in London, and to Effect the same at the best Terms he can. [*Approved October 18.*

CHAPTER 75.

RESOLVE FOR ALLOWING AND PAYING OUT OF THE PROVINCE TREASURY THIRTY POUNDS, EACH, TO THOMAS BRATTLE AND TIMOTHY CLARKE FOR THEIR SERVICES IN MANAGING THE EXPENDITURE OF THE MONEY GRANTED TOWARDS FORTIFYING CASTLE ISLAND, ETC.

Resolved, That the sum of thirty pounds be allowed and paid out of the public treasury to M^r Thomas Brattle, and the like sum of thirty pounds to Capt. Timothy Clark, towards acknowledgement of their service in their directing the laying out the money already disbursed towards fortifying Castle Island. [*Passed October 18.*]

CHAPTER 76.

RESOLVE FOR PRESENTING A PIECE OF PLATE TO COLONEL ROMER (AND ANOTHER TO HIS SON), IN ACKNOWLEDGMENT OF HIS SERVICES IN PLANNING THE FORTIFICATIONS AT CASTLE ISLAND, ETC.

Resolved — That a Piece of Plate of the value of twenty Pounds, be Presented to Col^o Romer, and a Piece of Plate of the value of Ten Pounds be Presented to his son, to be Paid for out of the Publick Treas^y of this Province, in gratefull Acknowledgment of his great service in Directing the fortifying Castle Island, And That, S^d Col^o Romer be earnestly Desired, (if by any means he may) to Continue his Direction & Assistance in the work afores^d untill it be finished. And That the Representatives of the Town of Boston take care to see it effected. [*Approved October 18.*]

CHAPTER 77.

ORDER REFERRING TO THE FIRST FRIDAY OF THE NEXT SESSION OF THE GENERAL COURT THE SEVERAL HEARINGS APPOINTED TO BE ATTENDED THE PRESENT SESSION, ETC.

Ordered — That the Severall Hearings Appointed to be Attended the present session of this Court: be Attended the first friday of the next session thereof, the Severall Parties to be notified by the Representatives of the respective Towns. [*Approved October 18.*]

CHAPTER 78.

ORDER REQUESTING THE COUNCIL TO DIRECT THE PROVINCE TREASURER TO ALLOW TO JOSIAH PARKER AND THE ADMINIST-RATRIX OF JACOB AMSDEN, FORMERLY FARMERS OF THE EXCISE IN MIDDLESEX, THE SUM OF THREE POUNDS, BEING THE AMOUNT OF EXCISE DUE BY HENRY COOKERY OF CHARLESTOWN, AND ABATED BY THE GENERAL COURT.

A PETITION of Josiah Parker of Cambridge, on behalf of himself and the admin^{rs} of Jacob Amsden, late of said Cambridge, decēd, praying to be abated the sum of three pounds out of what is owing from them to the treasury, for the excise in the county of Midd^x by them fermed in the year 1698, the general assembly having abated unto Henry Cookery of Charlestown, ale-house keeper, the excise of his draught in the said year, which, according to agreement before made with him, amounted to three pounds, was sent up from the representatives with their order thereupon, —

Ordered — That the Praier of the above Petition be Granted, and The Hon^{ble} Councill Desired to Give an order to the Treas^r to make abatement accordingly. [*Concurred in by the Council, and approved October 18.*]

CHAPTER 79.

RESOLVE FOR SETTLING THE BOUNDARY LINES BETWEEN DEDHAM AND NATICK. [*Approved October 18.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

RESOLVES, ORDERS AND MESSAGE

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE EIGHTEENTH DAY OF FEBRUARY, A.D. 1701-2.

CHAPTER 80.

RESOLVE FOR AN ORDER TO THE PROVINCE TREASURER TO DISCHARGE ISRAEL WOODCOCK, CONSTABLE OF ATTLEBOROUGH, THIRTY-SEVEN SHILLINGS, THE SUM PAID BY HIM ON A DEBENTURE GRANTED TO CHRISTOPHER HALE OF ATTLEBOROUGH AND WHICH WAS DESTROYED BY FIRE, AND TO PAY TO SAID HALE THIRTEEN SHILLINGS AND NINEPENCE, THE REMAINDER DUE ON SAID DEBENTURE.

A PETITION of Christopher Hale of Attleborough, setting forth that his father, Christopher Hale, deceased, having done service for the province, a debenture was granted to the petitioner, his son and administrator, for fifty shillings and ninepence, being for the first payment of five pound one shilling and sixpence owing for the said deceased's service, and that, his house being burnt, the said debenture was consumed, of which he had received thirty-seven shillings of constable Woodcock, and praying that a new debenture may be granted him, that the constable may be discharged and himself receive the remainder of the money, was sent up from the representatives with the resolve of that house thereupon, —

Resolved That an Order be given to the Treasurer, to Discharge the Constable Woodcock abovementioned of the sum. of Thirty and Seven Shillings, and to Pay to Christopher Hall the Petitioner the sum of thirteen Shillings & ninepence, the whole of the Debenture that was lost. by s^d fire [Concurred in by the Council, and approved February 21, 1701-2.]

CHAPTER 81.

RESOLVE AND ORDER FOR APPORTIONING THE EXPENSE OF THE NEW BRIDGE OVER TAUNTON GREAT RIVER AMONG THE ADJACENT TOWNS, ETC.

UPON A FULL HEARING and mature Consideration of the difference betwixt the Towns of Taunton, Dartmouth, Little-Compton, Tiverton and Free-town within the County of Bristol referring to the charge of building the Bridge newly Erected over Taunton great River. A Comit-

tee of this Court appointed to enquire of what use and benefit the said Bridge is of unto the said Towns, and what Bridges they have in their own Towns, And to proportion the charge of said Bridge to each of the said Towns; Having Reported, That the aforesaid Bridge will be of very great use and benefit to the Publick, and in a special manner to the Southern parts; particularly to the Towns of Taunton, Free-town, Tiverton, Little-Compton and the chiefest part of Dartmouth. And proportioned one halfe of the charge of said Bridge to Taunton, And the other halfe to be borne by Free-town, Tiverton, Little-Compton and Dartmouth according to their proportions as they were assest to the Province Tax. by the General Assembly at their Session in May Anno. 1700. —

Resolved and Ordered, That the charge of building the abovesaid Bridge, be defreyed one halfe thereof by the Town of Taunton, and the other halfe by the above named Towns of Free-town, Tiverton, Little Compton and Dartmouth in proportion as abovesaid, according to the Committees Report — [*Approved February 24, 1701-2.*]

CHAPTER 82.

RESOLVE AND ORDER FOR SETTLING THE BOUNDARY LINE BETWEEN ROWLEY AND BRADFORD. [*Approved February 24, 1701-2.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 83.

RESOLVE FOR ALLOWING AND PAYING FORTY POUNDS OUT OF THE PROVINCE TREASURY TO THE TOWN OF MARBLEHEAD FOR REPAIRING THEIR FORTIFICATIONS, ETC., PROVIDED SAID TOWN ADVANCE AND EXPEND SIXTY POUNDS MORE FOR THE SAME PURPOSE.

Resolved, That the Sum. of forty Pounds be Allowed and Paid out of the Publick Treasury to the Town of Marblehead towards the repair of their fortifications, & for Stores of War, Provided S^d Town Advance And Expend the sum. of Sixty Pounds more for the Service afores^d so as to make the whole an hundred Pounds [*Approved February 24, 1701-2.*]

CHAPTER 84.

RESOLVE FOR ALLOWING AND PAYING ELEVEN POUNDS AND ELEVEN SHILLINGS TO SAMUEL GALLOP, SHERIFF OF BRISTOL COUNTY, TO REIMBURSE HIM THE SUM HE PAID IN ATTEMPTING TO RECAPTURE DANIEL WILCOX, AN ESCAPED PRISONER.

A PETITION of Samuel Gallop, sheriffe of the county of Bristol, praying an order upon the treasurer to reimburse his charges and

expences in endeavouring the recovery of Daniel Wilcox of Little Compton, who, being in the year 1693 committed to his custody untill he should satisfy a fine of one hundred and fifty pounds to his maj^{ty}, made his escape from prison, and hath since, according to a proposal by him made to and accepted by the general assembly, satisfied the said fine in land, was sent up from the representatives with the resolve of that house thereupon, —

Resolved That the Sum. of Eleven Pounds and Eleven shillings be Allowed and Paid out of the publick Treasury, to Samuel Gallop the Petition^r in full for his Trouble & Expence, in the affair set forth in his Petition. [*Concurred in by the Council, and approved February 24, 1701-2.*]

CHAPTER 85.

RESOLVE FOR SETTLING THE BOUNDARY LINE BETWEEN TOPSFIELD
AND BOXFORD. [*Approved February 25, 1701-2.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 86.

RESOLVE FOR CONFIRMING TO JOHN EAMES, NATHANIEL EAMES AND SAMUEL EAMES, A TRACT OF LAND CONVEYED TO THEIR FATHER, THOMAS EAMES, BY THE INDIANS OF NATICK IN THE YEAR 1676. [*Approved February 25, 1701-2.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 87.

ORDER FOR ABATING THE IMPOST ON LOGWOOD SAVED OF THE CARGO OF THE BRIGANTINE MARY, CAST AWAY NEAR MARBLEHEAD.

A PETITION of Samuel Lillie of Boston, merchant, praying that the duty of impost payable by act of this province for such and so much logwood as is or may be saved of the loading of the brig^a Mary, Sammel Hunting, master, lately cast away upon the rocks lying before Marblehead, may be abated (the said vessel and great part of her loading being lost), and that an order may be given to the commissioner and receiver of the impost to abate the same accordingly, was sent up from the representatives with the order of that house thereupon, —

Ordered — That the Prayer of the above-Petition be Granted, and an Order be given to the Commiss^r of Impost accordingly. [*Concurred in by the Council, and approved February 25, 1701-2.*]

CHAPTER 88.

ORDER FOR REMITTING THE DUTIES UPON THE GOODS TO THE VALUE OF THREE HUNDRED POUNDS STERLING, IMPORTED BY CAPTAIN WENTWORTH AS THE GIFT OF THE KING TO THE FRENCH CHURCH.

A PETITION of Mr Francis Foxcraft,* praying that the impost or custom for the value of three hundred pounds sterling in European commodities, imported by Capt. Wentworth as the gift of his majesty to the French church, and by him rec^d for the use thereof, may be remitted, it having been hitherto transacted free of all dues to private men, through whose hands it hath passed, was sent up from the representatives with the order of that house thereupon, —

Ordered — That the Duties upon the Goods abovementioned be Remitted, and Order be given accordingly. [*Concurred in by the Council, and approved February 25, 1701-2.*]

CHAPTER 89.

RESOLVE FOR ERECTING THE TRACT OF LAND CALLED DRACUT, INTO A TOWNSHIP BY THE SAME NAME. [*Approved February 26, 1701-2.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 90.

RESOLVE FOR ALLOWING AND PAYING TWENTY POUNDS TO EACH OF THE COMMITTEE APPOINTED BY THE RESOLVE OF 1699-1700, CHAPTER 21, TO EXAMINE CLAIMS, ETC., UNDER THE GOVERNMENT OF SIR EDMUND ANDROS.

Resolved — That the Sum of Twenty Pounds be Allowed, and Paid to each one of the late Committee Appointed to Receive Claims of, and Grant Debenturs upon, Debts contracted by the Publick in the Time of the Government of S^r Edmund Androsse, as a further and full Compensation of their service in that affair. [*Approved February 26, 1701-2.*]

CHAPTER 91.

RESOLVE FOR ALLOWING AND PAYING FOUR POUNDS AND SEVEN SHILLINGS OUT OF THE PROVINCE TREASURY TO EBENEZER BRENTON TO REIMBURSE HIM THE SUM HE EXPENDED IN LOOKING FOR LAND FOR AN INDIAN SETTLEMENT, ETC.†

Resolved, That the sum of four pounds and seven shillings be allowed and paid out of the public treasury to Eben^r Brenton, Esq^r,

* Written "Foxcroft" in the State Library series of records, and in the archives.

† See resolves of 1700-1, chapters 80 and 86, and 1701-2, chapter 94, *post*.

he having expended the same sum in looking for land to accomodate an Indian settlement, and in obtaining deeds for this province, of land from Thomas Hinckley, Esq^r, and Daniel Wilcox. [*Approved February 26, 1701-2.*]

CHAPTER 92.

RESOLVE FOR ALLOWING AND PAYING THIRTY POUNDS TO ANTHONY CHECKLEY, ATTORNEY-GENERAL, FOR HIS SERVICES TO DATE.

A PETITION of Captain Anthony Checkley, attourney gen^l of this province, praying a competent satisfaction for his service in that office, was sent up from the representatives with the resolve of that house thereupon, —

Resolved — That the sum of Thirty Pounds be Allowed, and Paid out of the publick Treasury unto the Petition^r in full for his Service in the Office of Attorney Gen^l to this Time [*Concurred in by the Council, and approved February 26, 1701-2.*]

CHAPTER 93.

RESOLVE FOR GRANTING THE FURTHER SUM OF SEVEN POUNDS TO LIEUTENANT JOHN WILSON, OF BILLERICA, FOR HIS EXTRAORDINARY EXPENSES WHILE IN THE KING'S SERVICE DURING THE YEAR 1691.

A PETITION of John Wilson of Bilrica, praying a further allowance than the three pounds granted him by the general court or assembly in February, 1700, for his extraordinary expences in the countrie's service, *anno* 1691, when he was lieutenant of a foot company of soldiers sent into the eastern parts, for that he presumes the said court had not a right understanding of the matter set forth in his petition then exhibited, was sent up from the representatives with the resolve of that house thereupon, —

Resolved — That the sum. of Seven Pounds be Granted to the Petitioner out of the publick Treasury as a further & full Consideration of his extraordinary Expences in the Countrey's service over and above the Three Pounds heretofore Granted him. [*Concurred in by the Council, and approved February 26, 1701-2.*]

CHAPTER 94.

RESOLVE AND ORDER FOR GRANTING A TRACT OF LAND IN THE TOWNSHIP OF TIVERTON TO THE INDIANS, FOR A PLANTATION, AND APPOINTING A COMMITTEE TO ORDER AND REGULATE THE CONCERNS OF SAID PLANTATION.* [*Approved February 26, 1701-2.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

* See resolves, 1699-1700, chapter 49.

CHAPTER 95.

RESOLVE FOR EMITTING THREE THOUSAND POUNDS IN BILLS OF PUBLIC CREDIT, TWO THOUSAND POUNDS THEREOF TO BE USED FOR COMPLETING THE FORTIFICATIONS, ETC., AT CASTLE ISLAND, AND THE REMAINDER TO BE USED TOWARDS PAYMENT OF THE PROVINCE DEBTS, ETC.,—THE IMPOST AND EXCISE, ETC., TO BE A FUND FOR THE SAME; ALSO, FOR ENGAGING THE SERVICES OF COLONEL ROMER, ETC.

Resolved That The Treasur^r be ordered by this Court to Emitt Three Thousand pounds of Bills of Creditt, fifteen hundred pounds thereof to be Improved for y^e Compleating the fortifications on Castle Island, Barracks and other necessary Buildings for lodgings and Stores, so soon as y^e season will admitt thereof, to be Carried on wth all possible Expedition .. —

That Coll^ṛ Romer be timely Sent to to afford us his Assistance therein.

That five hundred pounds another part thereof be laid out for Provisions for y^e Castle &c. .

That the Remainder of the said 3000^{ld} be Improved for y^e payment of Province Debts &c so far as it will go.

That y^e Impost and Excise in arrears be a fund for the payment of the Same, and what that may fall short thereof, to be made up out of y^e next Tax raised for this Province &c.

And for y^e more Speedy & effectuall Carrying on of y^e worke at the Castle. That the Treasur^r be ordered to pay unto y^e Co^mitte for y^e Castle, in Exchange for bills, the Sum of five hundred pounds in money out of the first money that he receiues for Impost & Excise & arrears of Taxes. [*Approved February 26, 1701-2.*]

CHAPTER 96.

ORDER FOR A MESSAGE TO THE COUNCIL ADVISING AS TO THE REINFORCEMENT OF THE GARRISON AT CASTLE ISLAND.

Ordered — That a message be sent up to the Hon^{ble} Councill respecting the memoriall of Elisha Hutchinson Esq^r Cap^t of the Castle concerning that Garrison. viz :

That the House Leaves it with the Hon^{ble} Board to Order the Inforcem^t of that Garrison as in their wisdom, They shall Apprehend it necessary for the Safety of the Province, upon the Arrivall of Intelligence from time to time.

That as to Buildings It is already left with the Co^mittee for fortifying the Castle, and Provision made for it,

And that the House Apprehend it needfull that the Captain of the Castle be Directed to Reside there. & the Chaplain. [*Passed February 27, 1701-2.*]

CHAPTER 97.

RESOLVE FOR PROCURING A HUNDRED BARRELS OF GUNPOWDER FOR THE USE OF THE PROVINCE.

Resolved — That an Hundred Barrells of Gun Powder be Procured to be Added to the Present stock belonging to the Province,

And that the Hon^{ble} Council be Desired to take Care to obtain the same as soon as may be. [*Approved February 27, 1701-2.*]

CHAPTER 98.

RESOLVE FOR ALLOWING FORTY-FIVE POUNDS, EACH, TO WAIT WINTHROP, ELISHA COOKE, SAMUEL SEWALL AND JOHN WALLEY, JUSTICES OF THE SUPERIOR COURT, ETC., FOR THEIR SERVICE FOR ONE YEAR ENDING DECEMBER, 1701; AND TO JOHN SAFFIN, ONE OF THE JUSTICES OF SAID COURT, IN PROPORTION, FOR THE TIME HE HAS SERVED.

Resolved that there be allowed and paid out of the Publick Treasury, To the Hon^{ble} Waite Winthrop Elisha Cooke Sam^l Sewall & John Wally Esq^{rs} Judges of y^e Superio^r Court of Judicature &c To Each of them the Sum of fforty and five pounds for theire Service the year last past Expiring in Decemb^r. And to y^e Hon^{ble} John Saffin Esq^r one of the Judges of s^d Court proportionably for y^e time he hath been in that office [*Approved February 27, 1701-2.*]

CHAPTER 99.

RESOLVE FOR ALLOWING SEVENTY POUNDS TO ISAAC ADDINGTON, SECRETARY OF THE PROVINCE, FOR HIS EXTRAORDINARY SERVICES FOR THE YEAR ENDING DECEMBER, 1701.

Resolved — That y^e sum of Seventy Pounds be Allowed and Paid out of the publick Treasury unto the Hon^{ble} Isaac Addington Esq^r for his extraordinary service done for this Province the year last past, Expiring in Decem^r last. [*Approved February 27, 1701-2.*]

CHAPTER 100.

RESOLVE FOR PAYING EIGHTEEN POUNDS TO JOHN WHITE, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES FOR THIS YEAR, OVER AND ABOVE WHAT HAS ALREADY BEEN GRANTED HIM.

Resolved that there be paid out of y^e Publick Treasury to m^r John White Clark of y^e house the Sum of Eighteen pounds in full for his Service Done and to be done for this year over and above what hath been before granted to him [*Approved February 27, 1701-2.*]

CHAPTER 101.

RESOLVE FOR ALLOWING AND PAYING THIRTY SHILLINGS OUT OF THE PROVINCE TREASURY TO EDWARD NERLINE OF IPSWICH, FOR THE WAGES OF JOHN GRAVES OF IPSWICH, A SOLDIER IN THE KING'S SERVICE, IN THE YEAR 1696.

Resolved That the Sum. of Thirty shillings be Allowed, and Paid out of the Publick Treasury to Edward Nerline of Ipswich for five weeks service which John Graves of Ipswich served his maj^{ty} agst the Indian Enemy in the Year 1696. [*Approved February 27, 1701-2.*]

CHAPTER 102.

RESOLVE FOR ALLOWING AND PAYING FORTY POUNDS, EACH, TO THOMAS BRATTLE AND TIMOTHY CLARKE FOR THEIR SERVICES IN MANAGING THE EXPENDITURE OF THE MONEY GRANTED TOWARDS FORTIFYING CASTLE ISLAND, ETC.

Resolved — That the sum of fforty Pounds be Allowed and Paid out of the publick Treasury to M^r Thomas Brattle, and the like Sum of forty Pounds to Cap^t Timothy Clarke (over and above the Thirty Pounds which they have already Received) for their service in hitherto Directing the laying out the money Granted for fortifying Castle Island &

That The Co^mittee be Desired to Proceed in that affair, And are hereby Impowered to Direct the Laying out the money further Granted this Session for fortifying the Castle, for Barracks, and other necessary Buildings, for Lodgings & stores. [*Approved February 27, 1701-2.*]

CHAPTER 103.

RESOLVE FOR ALLOWING THE ACCOUNTS OF THOMAS BRATTLE AND TIMOTHY CLARKE THE COMMITTEE FOR FORTIFYING CASTLE ISLAND, AND FOR DISCHARGING THEM OF THE AMOUNT THEREOF.

THE Acc^{ts} of M^r Thomas Brattle and Cap^t Timothy Clark of the Co^mittee for fortifying Castle Island, amounting to the sum of Two Thousand, five Hundred, and fifteen Pounds, seventeen Shillings and eleven pence having been Presented and laid before this House, and here Examined.

Resolved That the s^d Accompts in the severall Articles of them, be, and hereby are, Approved and Allowed of, And the s^d Co^mittee is hereby Discharged of the s^d sum of Two Thousand five Hundred, and fifteen Pounds, Seventeen Shillings, and eleven pence. [*Concurred in by the Council, and approved February 27, 1701-2.*]

CHAPTER 104.

ORDER REQUESTING THE COMMITTEE APPOINTED BY THE RESOLVE OF 1699-1700, CHAPTER 21, TO EXAMINE CLAIMS, ETC., UNDER THE GOVERNMENT OF SIR EDMUND ANDROS, TO CONSIDER, AND GRANT DEBENTURES FOR, CERTAIN CLAIMS WHICH WERE NOT PRESENTED TO THE COMMITTEE BEFORE THE TIME APPOINTED FOR GRANTING DEBENTURES HAD EXPIRED.

WHEREAS the time of y^e Comittee for Granting of Debentures for service done by Souldiers in y^e time of S^r Edm^d Andross his Gouerment Is Expired, and Sundry p^rsous, since appearing that haue Inevitably Slipped theire opportunity, of makeing out theire Claimes to and before sd Comitte. *ordered.* That sd Comitte be desired to Consider y^e Claimes hereunder mentioned, and y^t may be further offered to them by this Court of y^e like nature That justice may be Done. And that the sd Comitte, uppon y^e Considera^{co}n, thereof and finding y^e sd Claimes Just and reasonable, to grant out Debentures for y^e same, : and make return of theire doings therein to y^e sessions of this Great and Generall Court in May next —

Viz^t, Cap^t Thos. ffiske Claiming y^e wages of Robert Macklafflin Late of wenham De^{ce}d^d, that through a misnomer was Demanded under y^e name of Robert Claflin, and thereby the wages due to y^e Demandant are detained —

And Cap^t Joseph Boynton for Robert Willis for y^e one halfe of his wages behind.

It.* Susanna Straker for keeping Two Spanesh Indians by ord^r of Coll Nickolson —

I.* Robert Lewis of ffree Towne, a souldier in y^e time of y^e s^d S^r Edm^d Andross Gouermt

And Alexander Bogle of Roxbury : — [*Approved February 27, 1701-2.*]

CHAPTER 105.

RESOLVE AND ORDER FOR DISTRIBUTING THE AMMUNITION PURCHASED IN ENGLAND AND LATELY ARRIVED.

WHEREAS there is a stock of small Armes, Ball & Flints lately come from England, procured at the charge of this Province, To the intent therefore that they may be so disposed as to be in a readiness for his Ma^{ties} Service within the same. —

Resolved and Ordered, That the aforesaid Armes, Ball and Flints be distributed and deposited within the several Regiments of Militia in this Province, in proportion to Each according to what the Towns within the same paid unto the last Province Tax. To be committed to the custody of the Colonel or Chief Officer of Each Regiment respectively ; He to be accountable for the disposal thereof. And the Treasurer is hereby Ordered to proportion and deliver out the said Armes Ball and Flints accordingly and to take receipts for the same And the Colonel or chief Officer of the s^d Regiments respectively, are to deliver them to the Captains of the several Companys within his Regiment after the like proportion, as an addition to the Towns Stock [*Approved February 28, 1701-2.*]

* Abbreviation for "item."

CHAPTER 106.

RESOLVE FOR APPOINTING A DAY OF PUBLIC PRAYER AND FASTING,
THE COUNCIL TO APPOINT THE TIME AND ASSIGN THE OCCASION.

Resolved—That a Day of publick Praier with ffasting be Appointed throughout the sever^{ll} Towns of this Province, the Hon^{ble} Councill to App^t the Time, and Assign the Occasions thereof. [*Approved February 28, 1701-2.*]

CHAPTER 107.

MESSAGE FROM THE REPRESENTATIVES, TO THE COUNCIL, SIGNIFY-
ING THEIR DESIRE THAT INCREASE MATHER BE REQUESTED TO
PREACH THE NEXT ELECTION SERMON.

A MESSAGE was sent up from the representatives by M^r. John White and Captⁿ. Samuel Phips, two of the members of that house, to acquaint the board that their house had *agreed* that M^r. Increase Mather be desired to preach a sermon to the general assembly at their convening in May next.* [*Passed February 28, 1701-2.*]

* Although no record of the concurrence of the Council in this action of the House has been discovered, it is certain that the sermon was preached by Mather, May 27, 1702. It was printed the same year "by B. Green and J. Allen, for Nicholas Boone, near the old meeting-house," under the title, "The Excellency of a Publick Spirit." By a resolve of the General Court (see 1702, chapter 73, *post*), the publisher was allowed from the province treasury pay for one hundred copies, which leaves no doubt that both branches agreed in inviting the preacher.

ORDERS, RESOLVES,
ADDRESSES, VOTES, ETC.,

PASSED 1702.

LEGISLATIVE LIST

FOR

1702.

HIS EXCELLENCY JOSEPH DUDLEY, ESQUIRE,*

CAPTAIN-GENERAL, AND GOVERNOR-IN-CHIEF IN AND OVER THE PROVINCE OF THE MASSACHUSETTS BAY IN NEW ENGLAND; AND THE KING'S LIEUTENANT AND COMMANDER-IN-CHIEF OF THE MILITIA, AND OF ALL THE FORCES, BY SEA AND LAND, WITHIN THE COLONIES OF RHODE-ISLAND, PROVIDENCE PLANTATIONS, AND THE NARRAGANSETT COUNTRY OR KING'S PROVINCE, AND OF ALL FORTS AND PLACES OF STRENGTH WITHIN THE SAME.

THOMAS POVEY, Esq.,†

LIEUTENANT- OR DEPUTY-GOVERNOR, ETC.

ISAAC ADDINGTON, Esq.,

SECRETARY OF THE PROVINCE.

COUNCILLORS OR ASSISTANTS.

Of the inhabitants of, or proprietors of, lands within the territory formerly called the Colony of the Massachusetts Bay:—

JOHN PYNCHON, Esq.,
WAIT WINTHROP, Esq.,
JAMES RUSSELL, Esq.,
ELISHA COOKE, Esq.,
JOHN HATHORNE, Esq.,
ELISHA HUTCHINSON, Esq.,
SAMUEL SEWALL, Esq.,
ISAAC ADDINGTON, Esq.,
JOHN PHILLIPS, Esq.,

JONATHAN CORWIN, Esq.,
WILLIAM BROWNE, Esq.,
JOHN FOSTER, Esq.,
PETER SERGEANT, Esq.,
DANIEL PEIRCE, Esq.,
JOHN APPLETON, Esq.,
PENN TOWNSEND, Esq.,
JOHN HIGGINSON, Esq.,
ANDREW BELCHER, Esq.

* The Council continued to exercise the executive function until Dudley and Povey were sworn in, on the eleventh of June.

Upon notice of Dudley's arrival, the day before, at Marblehead, in the Centurion, a delegation of the Council, headed by Sewall, set out in a pinnace to meet him. They boarded the frigate nearly off Point Alderton. Sewall made the formal address of welcome. The party landed at Scarlet's Wharf, whence they were escorted by the Council and by the Boston regiment to the town-house, where, on the same day, before the General Court, the clergy, and as many others as could find room, the royal commissions were read, and the oaths administered.

† Povey's appointment was a surprise to the people here. He was a captain in the Queen's own regiment of foot-guards, and a brother of John Povey, clerk of the Privy Council. He returned to England in 1705.

Of the inhabitants of, or proprietors of, lands within the territory formerly called New Plymouth:—

BARNABAS LOTHROP, ESQ.,NATHANIEL THOMAS, ESQ.,

JOHN THACHER, ESQ.,NATHANIEL BYFIELD, ESQ.

Of the inhabitants of, or proprietors of, land within the territory formerly called the Province of Maine:—

ELIAKIM HUTCHINSON, ESQ.,JOSEPH HAMMOND, ESQ.,

BENJAMIN BROWNE, ESQ.

Of the inhabitants of, or proprietors of, land within the territory lying between the river of Sagadahoc and Nova Scotia:—

JOSEPH LYNDE, ESQ.

For the Province, at large:—

JOHN WALLEY, ESQ.,SAMUEL PARTRIDGE, ESQ.*

REPRESENTATIVES OR DEPUTIES.†

May 27, 1702 to November 21, 1702.‡

JAMES CONVERSE, ESQ., SPEAKER.

| COUNTY OF SUFFOLK. | | COUNTY OF SUFFOLK— <i>Concluded.</i> | |
|--------------------|------------------------|--------------------------------------|------------------------------|
| <i>Boston,</i> | Capt. Samuel Legg, | <i>Braintree,</i> | Mr. William Vesey, |
| | Capt. Andrew Belcher, | | Lieut. John Baxter.¶ |
| | Mr. John White, | <i>Milton,</i> | Capt. Thomas Vose. |
| | Capt. Samuel Checkley. | <i>Weymouth,</i> | Capt. Stephen French. |
| <i>Roxbury,</i> | Mr. William Denison. | <i>Hingham,</i> | Sergeant Theophilus Cushing. |
| <i>Dorchester,</i> | Mr. Samuel Robinson § | <i>Medfield,</i> | Mr. Edward Adams. |
| <i>Dedham,</i> | Capt. Daniel Fisher. | | |

* Partridge changed the spelling of his name, from “Partrigg,” between August 1, and October 18, 1701.

† The qualifying oaths subscribed by the representatives this year are missing from the archives.

‡ The General Court was dissolved by proclamation, Jan. 29, 1702–3, after two prorogations. There was no session after Nov. 21, 1702.

§ “Robson,” in the town records.

|| “Veasy,” in the Secretary’s list. He was the son of William, of Braintree, and a zealous churchman. As early as 1689 he seems to have united with some of his neighbors in regularly conducting religious services according to the forms of the Church of England; and upon the organization of an Episcopal Church in Braintree, of which he was a founder and a liberal benefactor, he became its churchwarden. In May, 1697, at a Court of Assize in Suffolk, he was fined and sentenced to the pillory for ploughing, on a day set apart for public thanksgiving, and for declaring that James II. was rightfully king, and not William, for whose escape from assassination the thanksgiving was appointed. His expulsion from the House was probably on account of this infamous punishment.

Except for his Jacobite opinions, it does not appear that Vesey was not an estimable citizen; and the fact that he was chosen to represent the town, in the Legislature, this year, is sufficient proof that he had not forfeited the good opinion of his neighbors, notwithstanding the misdemeanor of which he had been convicted. His son William (II. C. 1693) appears to have been a graduate of great promise. He studied theology with Rev. Samuel Myles of King’s Chapel, where he preached, before a large audience, July 26, 1696, pending the criminal proceedings against his father. About the same time he was invited to preach for Mr. Willard at the Old South, but declined; and a few weeks later he was censured for apostasy by Increase Mather, at the ordination of Rev. Benjamin Wadsworth. Subsequently he went to New York, where (and on Long Island) he preached for a while without orders. Having received Episcopal ordination in England, he returned to New York, and became the first rector of Trinity Church. He was a thorn in the side of the New-York governors, — especially of Bellomont, who unsparingly denounced both him and his father, to the Lords of Trade.

¶ Baxter was chosen to succeed Vesey, after the latter had been expelled.

COUNTY OF ESSEX.

| | |
|--------------------|-----------------------------|
| <i>Salem,</i> | Mr. Josiah Wolcott,* |
| | Capt. John Turner. |
| <i>Ipswich,</i> | Mr. Nehemiah Jewett, |
| | Mr. Nathaniel Knoulton. |
| <i>Newbury,</i> | Lieut. Tristram Coffin.† |
| <i>Lynn,</i> | Lieut. John Pearson. |
| <i>Marblehead,</i> | Mr. Edward Brattle.‡ |
| <i>Beverly,</i> | Capt. John Dodge.§ |
| <i>Boxford,</i> | Mr. Thomas Perley. |
| <i>Salisbury,</i> | Mr. Isaac Morill. |
| <i>Andover,</i> | Mr. John Osgood. |
| <i>Haverhill,</i> | Mr. John White. |
| <i>Wenham,</i> | Mr. John Newman. |
| <i>Topsfield,</i> | Lieut. Ephraim Dorman. |
| <i>Rowley,</i> | Capt. Joseph Boynton. |
| <i>Gloucester,</i> | Capt. James Davis. |
| <i>Bradford,</i> | Capt. David Haseltine.¶ |
| <i>Amesbury,</i> | Mr. John Kimball, senior.** |

COUNTY OF MIDDLESEX.

| | |
|---------------------|--------------------------|
| <i>Charlestown,</i> | Mr. Samuel Phipps.†† |
| <i>Cambridge,</i> | Capt. Thomas Oliver. |
| <i>Watertown,</i> | Mr. Joseph Sherman.‡‡ |
| <i>Newton,</i> | Mr. Edward Jackson. |
| <i>Woburn,</i> | Maj. James Converse.§§ |
| <i>Concord,</i> | Mr. William Wilson. |
| <i>Sherburne,</i> | Mr. Thomas Sawin.¶¶ |
| <i>Sudbury,</i> | Capt. Thomas Browne.*** |
| <i>Malden,</i> | Mr. Phineas Upham. |
| <i>Reading,</i> | Maj. Jeremiah Sweyne.††† |
| <i>Medford,</i> | Mr. Peter Tufts. |
| <i>Chelmsford,</i> | Mr. Nathaniel Hill. |

COUNTY OF MIDDLESEX — *Concluded.*

| | |
|---------------------|---------------------|
| <i>Billerica,</i> | Capt. John Lane. |
| <i>Marlborough,</i> | Capt. Henry Kerley. |
| <i>Framingham,</i> | Mr. John Haven. |

COUNTY OF HAMPSHIRE.

| | |
|---------------------|--------------------------|
| <i>Springfield,</i> | Lieut. John Hitchcock. |
| <i>Northampton,</i> | Mr. Joseph Parsons. |
| <i>Hadley,</i> | Mr. Daniel Marsh. |
| <i>Hatfield,</i> | Ensign Eleazer Frary.††† |
| <i>Westfield,</i> | Mr. Jedediah Dewey. |

COUNTY OF BARNSTABLE.

| | |
|--------------------|-------------------------|
| <i>Barnstable,</i> | Maj. John Goreham. |
| <i>Yarmouth,</i> | Mr. Thomas Sturgis. |
| <i>Eastham,</i> | Mr. Joseph Doane. |
| <i>Sandwich,</i> | Mr. William Bassett.§§§ |

COUNTY OF PLYMOUTH.

| | |
|--------------------|---------------------------|
| <i>Plymouth,</i> | Capt. James Warren. |
| <i>Marshfield,</i> | Mr. Isaac Winslow. |
| <i>Scituate,</i> | Ensign John Cushing, jun. |

COUNTY OF BRISTOL.

| | |
|------------------------|-------------------------|
| <i>Bristol,</i> | Capt. Ebenezer Brenton. |
| <i>Taunton,</i> | Mr. Robert Crosman. |
| <i>Rehoboth,</i> | Mr. Edward Fobes. |
| <i>Swansey,</i> | Mr. Daniel Allen. |
| <i>Little Compton,</i> | — — — — —.¶¶¶ |

COUNTY OF YORK.

| | |
|-----------------|--------------------------|
| <i>Kittery,</i> | Lieut. Richard Bryar. |
| <i>York,</i> | Mr. Abraham Preble, jun. |

JOHN WHITE, *Clerk.*JAMES MAXWELL, *Doorkeeper to the Governor, Council and General Assembly.*

* "Wolcot," in the Secretary's list. He sometimes wrote his name with one t.

† Major Thomas Noyes was chosen May 7th, but refused to serve, and Coffin was chosen in his place.

‡ He married Mary, the daughter of John Legg, of Marblehead.

§ "Dodge," in the Secretary's list; but see legislative list for 1696-7.

|| "Morrell," in the town records, and "Morril," in the Secretary's list: see legislative list for 1702-3.

¶ "Hazeltime," in the Secretary's list.

** "Senior," in the town records.

†† "Phips," in the town records. The town voted to send but one representative this year.

‡‡ "Shearman," in the town records.

§§ "Convers," in the Secretary's list.

||| "May 10, 1702 *Imp.* Whether one or two should be chosen. Voted but one and after severall votings Mr. William Wilson was fairly chosen to be Representative." — *Town records.*

¶¶ "Sawen," in the town records.

*** "Brown," in the town records.

††† "Swain," in the Secretary's list. He wrote it "Swayne" in 1694 (see p. 45, *ante*), but "Sweyne," usually.

‡‡‡ "Ensign," in the town records, and "Frarey," in the Secretary's list.

§§§ Not in the Secretary's list; but the town records show that a rate was assessed to pay for his services as representative this year.

|||| "Ensign," in the town records; "junior," in the Secretary's list.

¶¶¶ "At a Meeting of the Inhabitants of Little Compton this 15th day of May, 1702, for to choose a Representative for the year ensuing, and the votes was cast 15 votes for Henry Head and 15 votes for Capt. Southward [Southworth], and the selectmen adjourned the Meeting until Monday next at 12 o'clock at the same place, and the people met at the place and time appointed, Voted that William Wilbor is chosen Representative, & William Wilbor did positive say he could not sarve in that place at this time." — *Copy of the town records as certified by the town clerk.*

RESOLVES, ORDERS, ADDRESSES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-SEVENTH DAY OF MAY, A. D. 1702.

CHAPTER 1.

MESSAGE FROM BOTH HOUSES CONCURRING IN THE RESOLUTION THAT
THE PRINCESS ANNE, OF DENMARK, BE PROCLAIMED QUEEN OF ENGLAND, ETC.

INTELLIGENCE arriving this morning from Newfoundland, of the death of our sovereign lord, King William the Third, on the 8th of March last, and of the accession of the high and mighty Princess Ann of Denmarke to the imperial crowns of England, Scotland, France and Ireland, and the council upon consideration of the said intelligence having resolved that it is necessary for the administration of the government that her majesty Queen Ann be forthwith proclaimed, a message was sent to the house of representatives by Elisha Cooke, John Hathorne, Samuel Sewall, Esq^{rs}, and the secretary, to acquaint that house with the said intelligence and the resolve of the council thereupon, and to desire their advice and concurrence therein; and the said gentⁿ, returning from the house of representatives, reported to the board that they had delivered the said message and that the house would take it into consideration. After some time, Captain Samuel Legg, Capt. Samuel Checkley, M^r. Josiah Wolcott, Capt. Eben^r. Brenton, Major John Goreham, Capt. John Turner, M^r. Nehemiah Jewett, Maj^r. Jeremiah Swain, M^r. Edward Brattle and M^r. William Denison, members of the house of representatives, brought up a message from that house that the house concurred with the council in their message sent them, for the proclaiming of her royal majesty Queen Anne. [*Passed May 28.*]

CHAPTER 2.

DECLARATION FOR CHANGING THE STYLE OF WRITS AND PROCESSES
UPON THE ACCESSION OF QUEEN ANNE. [*Approved May 30.*]

[*Printed in the notes to the acts of the year 1702.*]

CHAPTER 3.

ORDER APPOINTING A COMMITTEE TO INQUIRE AND REPORT, ETC.,
AS TO THE QUANTITY AND QUALITY OF THE GUNPOWDER BELONG-
ING TO THIS PROVINCE.

In the House of Representatives June 2^d 1702.

Ordered That Maj^r Swain, Cap^t Turner, Cap^t Checkley, Cap^t Bren-
ton, Maj^r Gorham, M^r Winslow, M^r Pebble, & M^r ffary be a Co^mittee
to Join with a Co^mittee of the Board if their Hon^{rs} See meet to Appoint
one, to make Inq^y of the Q^uantity & Quality of the stores of Gun-
powder belonging to this Province and to make Report to this Court,
particularly of that last purchased.

Sent up for Concurrence.

JAM^s CONVERSE *Speaker*

In Council. *die prædict*, Read and concurred wth & Samuel Sewall,
Penn Townsend & Jn^o Higginson Esq^{rs} appointed a Co^mittee of y^e
Board to join wth y^e abovenamed Com^{tee} of y^e Rep^resentatives for the
service aboves^d

Is^a ADDINGTON *Sec^{ry}*. —

[*Approved June 2.*

CHAPTER 4.

RESOLVE APPOINTING A COMMITTEE TO PREPARE THE DRAUGHT OF
AN ADDRESS TO QUEEN ANNE IN CONDOLENCE OF THE DEATH
OF HER PREDECESSOR, KING WILLIAM THE THIRD, AND CONGRAT-
ULATING HER ON HER ACCESSION TO THE THRONE.

June 3^d 1702. In Council.

Resolved. That her Royal Majesty Queen Anne, be humbly Ad-
dressed by this Court, in condolance of the death of his late Majesty,
King William the Third of ever glorious memory; And in Congratula-
tion of her Majesties happy accession to the Throne.

And Elisha Cooke & Samuel Sewall Esq^{rs} with the Secretary, are
appointed a Committee of the Board to joyne wth such Committee as
shall be named by the house of Representatives, to prepare a draught
of s^d Address to be laid before both Houses.—

Sent down for concurrence/.

Is^a ADDINGTON *Sec^{ry}*/.

Die p^dict. In the House of Representatives

Resolved — a Concurrence. And M^r William Denison, Cap^t Sam^l
Legg, John Cushion Esq^r and Cap^t Thomas Oliver are Appointed a
Co^mittee to Join with the Co^mittee of the Hon^{ble} Board in the Affair
abovementioned.

JAM^s CONVERSE *Speaker*, —

[*Passed June 3.*

CHAPTER 5.

RESOLVE FOR PAYING TEN POUNDS OUT OF THE PROVINCE TREASURY TO WILLIAM WILSON OF CONCORD, TO BE DELIVERED TO SARAH PURCHASE, BEING THE AMOUNT GRANTED TO HER LATE HUSBAND BY RESOLVE OF THE YEAR 1701-2, CHAPTER 14.

WHEREAS this Court did at their Session begun the 28th day of May 1701, Passe a Resolve, That the Sum. of Ten Pounds should be Allowed out of the Publick Treasury to M^r Oliver Purchisse on Considerations therein mentioned, and s^d Purchisse Deceasing before he had received s^d Gratuity.

Resolved — That the afores^d sum. of Ten Pounds be Paid out of the publick Treasury of this Province, to M^r William Wilson of Concord, to be by him Delivered to M^{rs} Sarah Purchisse, widow Relict of s^d Oliver Purchisse. [*Approved June 3.*]

CHAPTER 6.

RESOLVE FOR ABATING AND REMITTING THE IMPOST ON MADEIRA WINE SAVED OF THE CARGO OF THE BRIGANTINE LARK, CAST AWAY NEAR PLYMOUTH.

The PETITION of Andrew Belcher, Edward Lyde William Clarke and Andrew Faneuil of Boston merch^{ts} late Owners of the Briganteen Larke whereof Daniel Noyes was Master. Humbly sheweth That the s^d Briganteen being bound from Madera to Boston loaden with Madera wine, was, on or about the 2^d day of May aboves^d by a violent storm cast ashore near Plymouth within this Province, and the s^d Vessel and above one halfe of her Loading thereby utterly lost

Your Petitioners therefore pray That the dutys of Impost payable by Law, for such and so much of the s^d Vessels Lading as was saved, being forty — pipes of Madera wine, may be abated and remitted unto them —

Resolved That the Praier of the above Petition be Granted, and Order Given to the Comiss^r of Impost accordingly. [*Approved June 5.*]

CHAPTER 7.

DRAUGHT OF AN ADDRESS TO QUEEN ANNE.

To Her most Excellent Majesty Anne, by the Grace of God, of England, Scotland, France and Ireland Queen, Defender of the Faith &^a

THE HUMBLE ADDRESS of the Council and Representatives of your Ma^{ties} Province of the Massachusetts Bay in New England in General Court Assembled. —

Most Gracious Sovereign.

The Surprizeing Intelligence of the awful Stroke of Divine Providence in the death of our late Sovereign Lord, King William the Third, of ever Glorious memory, filled us with no little consternation, and

very sensibly affects us with a deep sorrow for so unspeakable a loss ; Which we humbly crave leave to Condole with your Majesty, and our Nation And at the same time, most heartily to congratulate your Maj^{ties} happy Accession to the Throne ; whereby our griefe is much alleviated, In that your Ma^{ties} known Zeal for, and firm Adherence to the Protestant Religion gives us assurance of enjoying Prosperity under your Maj^{ties} Auspicious Reign, Which God grant may be long and prosperous.

Humbly Beseeching your Majesty That the benign Influences of your Royal Goodness and Protection may be Extended to your Ma^{ties} good Subjects in this Province, at so great distance from the Royal Seat.

That Almighty God would afford your Majesty the Assistance of all Divine Grace is & shall be the hearty and fervent Prayer of,
Boston June 6th 1702

Your Ma^{ties} most Dutiful Loyal & Obedient Subjects,

Signed.

| | |
|----------------------------|---------------------------|
| JOHN PHILLIPS | JA RUSSELL |
| BARN. LOTHIROP | ELISHA COOKE |
| E ^m HUTCHINSON | JN ^o HATHORNE |
| NATH ^a THOMAS | ELISHA HUTCHINSON |
| PENN TOWNSEND | SAM ^l SEWALL |
| NATH ^a BYFIELD | IS ^a ADDINGTON |
| JOHN HIGGINSON | JON ^a CORWIN |
| SAM ^l PARTRIDGE | PE. SERGEANT |
| AND ^e BELCHER | JOHN WALLEY |
| JOHN PYNCHON | JOSEPH LYNDE |

In the Name and by order of the House of Representatives

JAM^s CONVERSE *Speaker.*

[*Passed to be engrossed for signing, and approved June 6.*

CHAPTER 8.

ORDER APPROVING AND FOR ENGROSSING THE DRAUGHT OF A LETTER * TO CONSTANTINE PHIPPS, AGENT OF THE PROVINCE.

THE DRAUGHT of a letter to Constantine Phips, Esq^r, drawn up on Saturday last, was again read, agreed to and,—

Ordered, To be fairly ingrossed, which, being accordingly done, was signed by the maj^r part of the council and sent down with the rough draught to the house of representatives ; and, being concurred with by that house, was sent up from the same signed by the speaker. [*Approved June 8.*

* No record or copy of this letter has been discovered ; but the letter of Phipps acknowledging his receipt of it is preserved in the archives.

CHAPTER 9.

DRAUGHT OF A LETTER TO LORD CORNBURY, GOVERNOR OF NEW YORK, REQUESTING THAT COLONEL ROMER BE ALLOWED TO FINISH THE FORTIFICATIONS AT CASTLE ISLAND.

R^t Hon^{ble}

We were honoured with your Excellencies kind Letter of the first Instant, for which we return our hearty thanks, and for your giving leave to Col^o Romer to come to us ; The weather has bin such since his arrival by reason of the great rains, that hitherto there has been very little opportunity to do any thing about our Fortifications, and the time assigned by your Lordship for his stay here is so short, that it will be impracticable to make any considerable advance therein, within the same.

When we dismiss him the last fall we did not understand that his presence was further necessary, within the Province under your Excellency's Governm^t than on'ly the laying out of the Lines for the Fortifications at Albany, and the directing what Materials were Necessary to be provided for those workes, which we are Informed he has accordingly done ; And we had assurance from L^t Governour Nannan at that time in chief Command, of Col^o Romers return to us in the Spring to stay two or three months for the finishing of our Fortifications, We provided accordingly and have all things in readiness upon the place ; to carry on the same ; which is not yet brought into such posture, as to mount our Guns, but we lye open to the Insults of an Enemy, being in daily expectation of hearing of a Declaration of War with France ; and the Governo^r for the French King at Port Royal, has already begun to shew us what trouble we must expect to meet with, from them, by Surprizing and takeing several of our Fishing Vessels, It is absolutly necessary for her Ma^{ty's} Service and the preservation of her Interests within this Province, that we vigorously apply to the finishing of our Fortifications ; whereto a full Stop will be put without Col^o Romers presence and further directions.

And therefore pray that your Excellency would be Pleased by the next Post to make Col^o Romer easy in his stay here, for some longer time being of such absolute necessity for her Ma^{ty's} service. Praying your Excellency to be assured that we shall readily grant what is within our power for her Ma^{ty's} service within your Province. and are

R^t Hon^{ble}

Boston June 8th 1702

Your Exc^{ys}

Obliged faithful humble Serv^{ts}

Signed

JOHN APPLETON.
NATHA^l BYFIELD.
SAM^{ll} PARTRIDGE.
DANIEL PEIRCE.
JOHN WALLEY.
PENN TOWNSEND.
Is^a ADDINGTON.
ANDR ; BELCHER.

JOHN PYNCHON
JA : RUSSELL
ELISHA COOKE
ELISHA HUTCHINSON
SAM^{ll} SEWALL
PETER SERGEANT
JOSEPH LYNDE
BARNABAS LOTHROP
E^m HUTCHINSON

In y^e name and by Ord^r of the house of Rep^rsentatives

JAM^s CONVERSE *Speak^r*

[*Approved June 8.*

CHAPTER 10.

RESOLVE AUTHORIZING THE COMMANDER-IN-CHIEF, ETC., TO TRANSPORT PART OF THE MILITIA INTO THE PROVINCE OF NEW HAMPSHIRE IN THE VACANCY OF THE GENERAL ASSEMBLY. [*Approved June 9.*]

[*Printed in the note to the act of March 16, 1699–1700.*]

CHAPTER 11.

RESOLVE FOR ALLOWING EIGHT POUNDS AND THIRTEEN SHILLINGS TO JAMES MAXWELL, DOORKEEPER TO THE GENERAL COURT, FOR HIS MOURNING CLOTHES, ON THE OCCASION OF THE KING'S DEATH.

Resolved, That the sum of eight pounds and thirteen shillings be allowed and paid out of the public treasury to M^r James Maxwell, doorkeeper to this court, for the cloathing him in mourning upon the sorrowfull occasion of his late majestie's death. [*Approved June 9.*]

CHAPTER 12.

RESOLVE DECLARING THAT THE LAND OF DANIEL WARREN, JUNIOR, LIES WITHIN THE WESTERN PRECINCT OF WATERTOWN. [*Approved June 9.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 13.

ORDER REFERRING TO THE NEXT SESSION THE PETITION OF THE TOWN OF TOPSFIELD, WITH REFERENCE TO THE FARMS PRAYED FOR BY BOXFORD, AND DIRECTING THAT SAID TOWNS BE NOTIFIED THEREOF BY THEIR RESPECTIVE REPRESENTATIVES. [*Approved June 10.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 14.

ORDER FOR PAYING TO NEHEMIAH JEWETT TWENTY-SIX SHILLINGS AND SIXPENCE, THE VALUE OF FOUR UNENDORSED BILLS OF CREDIT TO BE RECEIVED OF HIM BY THE PROVINCE TREASURER.

Ordered, That the treasurer receive of Mr. Nehemiah Jewett four indented bills of the late colony of the Massachusetts Bay; viz^t, one of twenty shillings, one of two shillings and sixpence, and two bills of two shillings not indorsed by the treasurer, and pay for the same the sum of twenty-six shillings and sixpence to the said Mr. Jewett. [*Approved June 10.*]

CHAPTER 15.

RESOLVE FOR ALLOWING TWENTY POUNDS OUT OF THE PROVINCE TREASURY TO JOSEPH HILL FOR THE PURPOSE OF EXPERIMENTING WITH FIREWORKS FOR SINKING SHIPS, ETC., AND APPOINTING A COMMITTEE TO DISBURSE THE MONEY.

A PROPOSAL offered by Joseph Hill of Boston, varnisher, that he having proved and found by experience y^t he can forme such engines and make such composition of fireworks as with God's blessing shall do greater execution and spoil upon an enemy and contribute more to the defence of any castle or fortification than a considerable number of men can do, etc., he is willing to apply himself to provide the same, and serve this province thereby to the utmost of his power, if he might be encouraged by having granted unto him w^t shall be necessary for the procuring materials, and support the whole charges incident thereto, was sent up from the representatives with a resolve of that house in answer to the said proposal, as followeth; viz^t, —

Resolved, That the sum of twenty pounds be allowed out of the public treasury for furnishing the said Joseph Hill towards making an experiment of fireworks for sinking of ships, etc., according to said proposals, and that Capt. Samuel Legg and Mr. John White be a committee, to joine with such person or persons as the board shall appoint, to see that the sum afores^d. be improved accordingly, so that the experiment may be ready to be made by the next session of this court.

Which resolve being read at the board was concurred wth. and signed for consent by a major part of the council, and Elisha Hutchinson and Andrew Belcher, Esq^{rs}., appointed to be a committee of the board, to joine with the said committee of the representatives for the service abovesaid. [*Approved June 10.*]

CHAPTER 16.

RESOLVE FOR ALLOWING TEN POUNDS OUT OF THE PROVINCE TREASURY TO THE TOWN OF YORK FOR THE MAINTENANCE OF THE MINISTRY.

A PETITION of Mr. Abraham Preble, representative for the town of Yorke, praying some help and encouragement may be given the said

town towards the support of the ministry, was sent up from the representatives with the resolve of that house thereupon, —

Resolved — That the sum of Ten Pounds be Allowed and Paid out of the publick Treasury, for the support of the Ministry in the Town of York abovementioned. [*Concurred in by the Council, and approved June 10.*]

CHAPTER 17.

ORDER REFERRING TO A COMMITTEE THE REPORT OF JAMES TAYLOR, RESPECTING THE LOCATION OF THE BOUNDARY LINE BETWEEN THIS PROVINCE AND THE COLONY OF CONNECTICUT, WITH INSTRUCTIONS TO EXAMINE ALL RECORDS, PAPERS, ETC., RELATING TO FORMER PROCEEDINGS CONCERNING THE SAID BOUNDARY, AND TO REPORT, ETC. [*Passed June 19.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 18.

ORDER APPOINTING A COMMITTEE TO PREPARE THE DRAUGHT OF AN ADDRESS TO THE QUEEN ACKNOWLEDGING HER MAJESTY'S FAVOR TO THE PROVINCE, ETC.

In the House of Representatives. June 22th 1702

Ordered—That M^r Thomas Oakes, M^r Nehemiah Jewett, M^r William Denison, Cap^t Samuel Phipps, and M^r John Cushion, be a Committee to Join with a Committee of the Hon^{ble} Board, to Prepare a Draught of an Adresse to her Maj^{ty}, thankfully Acknowledging her Maj^{ties} favour to this Province, in Her so early, & gracious Disposing, & Setling the Government thereof, and humbly Supplicating the Continuance of Her Maj^{ties} Care, and favour for this Her Province.

Sent up for Concurrence.

JAM^s CONVERSE, *Speaker* —

In Council. June. 22^d 1702.

Read, and concurred with; And Samuel Sewall Esq^r with y^e Secretary appointed a Committee of the Board, to joine with the Committee of the Representatives for the Affair aboves^d.

Is^a ADDINGTON *Sec^{ry}*.

[*Passed June 22.*]

CHAPTER 19.

ORDER FOR REVIVING AND CONTINUING THE COMMITTEE APPOINTED JULY 19, 1699, TO EXAMINE, ETC., THE ACCOUNTS OF CLAIMS, ETC., UNDER THE GOVERNMENT OF SIR EDMUND ANDROS; AND FOR EMPOWERING THEM TO GRANT DEBENTURES, ETC.

FORASMUCH as the time Limited to the Committee appointed for granting of Debentures to Souldiers and others for Service done, and Supplys made to the Publick in the time of S^r Edmond Andros's Gov-

ernment, is expired, And there being sundry persons that have not yet received their Debentures for what is fully due unto them.

Ordered, That Peter Sergeant and John Walley Esq^{rs} Mess^{rs} Francis Burroughs, Joseph Parson, and Jacob Green the former Committee, Be and hereby are revived and further continued a Committee for that affair And they or any three of them are hereby Impowred to Signe and give forth Debentures upon the Treasurer, to all such whose accompts they have already adjusted and stated, for what and so much as is yet behind remaining due to them.—[*Approved June 23.*

CHAPTER 20.

RESOLVE * FOR PRESENTING FIVE HUNDRED POUNDS TO JOSEPH DUDLEY, GOVERNOR, ETC., OF THE PROVINCE.

A resolve was sent up from the representatives in the words following; viz^t,—

Resolved, That the sum of five hundred pounds be at this time presented out of the public treasury to his excellency Joseph Dudley, Esq^r, her majestie's captain-general and governour-in-chief of this her province, praying his ex^{cy}'s favourable acceptance.

Which resolve being read at the board was concurred with, and a bill being accordingly drawn up for applying the sum of five hundred pounds of the moneys granted unto her majesty to the use of his excellency, was read a first and second time and past to be ingrossed. [*Passed June 24.*

CHAPTER 21.

DRAUGHT OF AN ADDRESS TO THE QUEEN, AND VOTE THAT SAID DRAUGHT BE ENGROSSED

THE DRAUGHT of an address to her maj^{ty}, reported by the committees, was read a first and second time and past to be fairly engrossed. [*Passed June 24.*

To the Queens most Excellent Majesty.

THE HUMBLE ADDRESS of the Council and Representatives of your Maj^{ties} Province of the Massachusetts Bay in New-England in General Court Assembled —.

Most Gracious and Dread Sovereign.

Our humble Address unto your Sacred Majesty, In Congratulation of your Majesties Happy Accession to the Throne was scarce passed from our hands, Before we received signal Instances of your Majesties Princely Regard to and Care of your good Subjects within this your Majesties Province, In so earely and Gracious disposing and settling the Government thereof, And consigning the same into the hands of his Excellency Joseph Dudley Esq^t† in Chief, and nextly of the Honorable Thomas Povey Esq^r. Persons sincerely devoted to your Maj^{ties} Ser-

* See the act of June 27, 1702. This resolve, though superseded by the act, is, in terms, complete and independent, and so could not be rejected as being merely interlocutory.

† *Sic.* "Commander," omitted.

vice and very acceptable to our Selves; who through the Auspicious care and Conduct of Divine Providence are safely arrived to us.

For which Royal Favour we humbly begg leave to prostrate at your Maj^{ties} Royal Feet this tender of our hearty and grateful Acknowledgements; with the humble Protestations of an inviolable Loyalty; Humbly Supplicating the continuance of your Maj^{ties} Royal Care and Favours towards us; And Beseeching Almighty God who has rayssed up your Majesty to be the true Defender of the Protestant Faith at all times to encircle your Royal Person with his Divine Protection, Grant Success to your Maj^{ties} Counsels & Armes, make your Reign long and prosperous on Earth, and at last bestow upon you an Eternal Crown of Glory.

This is and shall be the ardent and Incessant Prayer of
Your Ma^{ties}

June. 23^d 1702/.

Most Dutiful Loyal Subjects.

Signed.

| | |
|------------------------------|-----------------------------|
| JOHN WALLEY | JOHN PYNCHON |
| BARN ^s . LOTHROP | JA. RUSSELL |
| DANIEL PEIRSE | ELISHA COOKE |
| JN ^o . THACHER | JN ^o . HATHORNE |
| AND ^B . BELCHER | WM BROWNE |
| NATH ^A . THOMAS | ELISHA HUTCHINSON |
| EM HUTCHINSON | IS ^A . ADDINGTON |
| PENN TOWNSEND | JN ^o . FOSTER |
| JN ^o . APPLETON | JON ^A . CORWIN |
| NATH ^A . BYFIELD | PE. SERGEANT |
| JOS: HAMMOND | JOSEPH LYNDE |
| SAM ^L . PARTRIDGE | |

In the Name and by Order of the House of Representatives

JAMES CONVERSE *Speaker*

CHAPTER 22.

RESOLVE FOR ALLOWING TWO HUNDRED POUNDS TO JAMES TAYLOR, TREASURER OF THE PROVINCE, FOR HIS SERVICES DURING THE YEAR 1701-2.

Resolved—That the Sum. of Two Hundred Pounds be Allowed out of the publick Treasury to M^r. James Taylor Province-Treasurer for his Service in s^d office the Year last past. [*Approved June 24.*]

CHAPTER 23.

RESOLVE FOR APPROVING AND ALLOWING THE PROVINCE TREASURER'S ACCOUNTS FROM MAY 28, 1701, TO MAY 27, 1702.

THE ACCOMPTS of M^r. James Taylor, treasurer and receiver-general of this province, beginning the 28th day of May, 1701, and continued unto the 27th day of May, 1702, amounting unto the sum of ten thousand eight hundred twelve pounds five shillings and elevenpence, having been presented and laid before the house of representatives and inspected by said house, by which it appears there was standing out on

the s^d. 27th day of May, of the several assessments, nine hundred and four pounds eleven shillings and tenpence, and of the duties of impost, etc. (as by acc^{ts}. received from John Walley, Esq^r, late commissioner), sixty pounds, to be drawn into the treasury and further to be accounted for, —

Resolved, That the said accompts, in the several articles of receipts and payments therein mentioned, amounting unto the sum of nine thousand eight hundred forty-seven pounds fourteen shillings and one penny, be and hereby are approved and allowed of, and the said treasurer is hereby discharged of the said sum of nine thousand eight hundred forty-seven pounds fourteen shillings and one penny. [*Passed June 25.*]

CHAPTER 24.

RESOLVE APPOINTING A COMMITTEE TO CONSIDER AND REPORT UPON A CLAUSE IN THE GOVERNOR'S SPEECH, RELATING TO THE ERECTION OF A FORT AT PEMAQUID.

THE RESOLVE pas't by the Board the 24th currant for appointing a Committee to joyn with a Committee of the Representatives to consider of that Clause in His Excellencies Speech, As to the Erecting a Fortification at or near Pemaquid, being *agreed* to by the Representatives, and sent up with the Names of their Committee. Viz^t m^r Speaker, Captain Brattle, m^r James Coffin, m^r John Goreham, and m^r John White,

John Hathorne, John Phillips, Daniel Peirse and John Appleton Esq^{rs} were named and appointed a Committee of the Board for the Affair aforesaid, John Hathorne Esq^r to be chairman and to appoint time and place for meeting.—[*Passed June 27.*]

CHAPTER 25.

RESOLVE FOR ALLOWING FOURTEEN POUNDS TO JOHN WHITE, CLERK OF THE HOUSE OF REPRESENTATIVES; FORTY SHILLINGS THEREOF FOR HIS SERVICES FOR THE LAST YEAR, AND TWELVE POUNDS AS PART PAY FOR HIS SERVICES FOR THE CURRENT YEAR.

Resolved, That the sum of fourteen pounds be allowed and paid out of the public treasury to M^r John White, clerk of the house of representatives, forty shillings thereof being for his service the last year, there being thrô mistake so much less than was intended granted to him, the remaining twelve pounds being in part for his service this year currant. [*Approved June 27.*]

CHAPTER 26.

RESOLVE FOR ALLOWING THIRTY POUNDS TO JAMES MAXWELL FOR HIS SERVICES AS DOORKEEPER TO THE GOVERNOR AND GENERAL COURT FOR ONE YEAR, ENDING JUNE 8, 1702.

Resolved, That the sum of thirty pounds be allowed and paid out of the public treasury to Mr James Maxwell, doorkeeper to his excellency the governour and this court, for his service the year last past, expiring the eighth day of June instant. [*Approved June 27.*]

CHAPTER 27.

RESOLVE FOR ALLOWING TWENTY POUNDS OUT OF THE PROVINCE TREASURY TOWARDS THE MAINTENANCE OF A CHAPLAIN AT THE GARRISON AND PLANTATION OF BROOKFIELD FOR THE PRESENT YEAR.

WHEREAS the Plantation of Brookefield, lying on the great Road betwixt this Her Maj^{ties} Province and the Colony of Connecticut, being a usual and necessary stage for Travellers and Posts passing betwixt the two Govern^{ts} is a new begining to be Setled, and yet unable to Support it Selfe without receiving some Assistance from the Govern^{mt} being a garrisoned place

Resolved. That the Sum of Twenty pounds be allowed and paid out of the Publick Treasury of this Province towards the Support of a Chaplain to that Garrison for the present year. [*Approved June 27.*]

CHAPTER 28.

ORDER FOR RESTORING TO PETER SERGEANT A QUANTITY OF GUNPOWDER, AND FOR PAYING HIM, BESIDES INTEREST, EIGHTY-FOUR POUNDS, THE BALANCE DUE TO HIM FOR SIXTY AND ONE-HALF BARRELS OF GUNPOWDER.

UPON READING the report of the committees of both houses appointed to enquire into the quantity of the public stores of gunpowder and the quality thereof, that twenty-seven barrells and an half of the last purchase, mark't P. S., are not fitt for service and are set by themselves in the sconce, all parties concerned in that affair having also been heard, and it appearing that, notwithstanding all due care taken by the committee appointed to purchase said powder, by making due and usual trials and prooffe of the same beforehand, twenty barrels and an half thereof are judged unfit for her majestie's service, which Peter Sergeant, Esq^r, the vender, offering to take again to himself, —

Ordered, That the said twenty-seven barrels and a half of powder be restored again unto the said Mr Sergeant, and that a warrant be made out unto the treasurer to pay unto him eighty-four pounds, over and above the former order past for four hundred pounds in full for sixty barrels and a half of gunpowder bought of him, and that he be allowed interest for the whole sum, after the rate of six pounds per cent. per annum, from this day until he be paid. [*Approved June 27.*]

CHAPTER 29.

RESOLVE FOR APPOINTING A COMMITTEE TO EXAMINE THE ACCOUNTS OF JOHN USHER, LATE TREASURER OF NEW ENGLAND UNDER THE ADMINISTRATION OF SIR EDMUND ANDROS.

Resolved, That a Committee be appointed to Examin the Accompts of John Usher Esq^r late Treasurer, and to call for all former Reports and Papers relating thereto. And to report their doings therein to y^e next Session of this Court. And Samuel Sewall, Peter Sergeant John Walley and Nathaniel Byfield Esq^{rs} are appointed a Committee of the Board for that Affair. to joyne with a Committee of the Representatives, If that house thinke fit to name one.

Sent down for concurrence/.

Is^a ADDINGTON *Sec^{ry}*.

In the House of Representatives *Die p^dict.* Read and Pass'd a Concurrence & Ordered That M^r Thomas Oakes, Capt Sam^l Checkley, Cap^t Sam^l Phipps, M^r William Denison & John White be a Comⁱtee, to Join with the Comⁱtee of the Hon^{ble} Board in the affair afores^d

JAM^s CONVERSE *Speak.*

[*Passed June 27.*

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT CAMBRIDGE,* ON THE FIFTEENTH DAY OF OCTOBER, A. D. 1702.

CHAPTER 30.

RESOLVE REFERRING TO A COMMITTEE† THE PETITION OF THE JUSTICES OF THE PEACE OF SUFFOLK COUNTY, PRAYING THAT FURTHER PROVISION BE MADE FOR THEIR RECEIVING THE PAY ALLOWED TO THEM BY LAW FOR ATTENDANCE AT THE SESSIONS.

A PETITION of the justices of the peace of the county of Suffolk, praying that further provision may be made for paying them the allowance granted by law, for their attendance at the sessions of the peace, other than by the fines arising in the said court, being presented and read, the said petition was committed to Elisha Hutchinson, Nath^l Thomas, Daniel Peirce and John Thacher, Esq^{rs}, who were appointed to joine with a committee, to be named by the house of representatives, to consider the matter of the prayer of the said petition and to prepare a bill accordingly. [*Passed October 15.*]

CHAPTER 31.

RESOLVE REFERRING TO A COMMITTEE THE PETITION OF HOPESTILL BENT AND OTHERS, FOR LEAVE TO PURCHASE LAND OF THE INDIANS AT NATICK. [*Passed October 17.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 32.

RESOLVE FOR EXEMPTING FROM TAXATION ENOCH LAWRENCE OF GROTON, WOUNDED AND DISABLED IN THE KING'S SERVICE. AND FOR ALLOWING HIM A PENSION OF THREE POUNDS PER ANNUM DURING HIS LIFE.

A PETITION of Enoch Lawrence of Groton, setting‡ that by reason of wounds in his hand, received in the former Indian warr, he is almost

* By reason of the small-pox in Boston.

† The names of the members of the House on this committee have not been ascertained, the journals of the House for this date not having been preserved, and no entry thereof having been made in the records of the Council.

‡ *Sic*: "forth," omitted?

wholly disabled from following his daily labour, upon which he depends for a livelyhood for himself and family, and therefore praying that he may have freedom from taxes and something allowed him for a maintenance, was sent up from the representatives with the resolve of that house thereupon, —

Resolved, that the Said Petition^r be freed from publick Taxes & be allowed and paid out of the Publick Treasury of the Province as a Pension during his life, three pounds p^r annū. [*Concurred in by the Council, and approved October 19.*]

CHAPTER 33.

ORDER APPOINTING A COMMITTEE TO CONSIDER AND REPORT ON THE PETITION OF THE INHABITANTS ON THE WEST SIDE OF THE RIVER IN SPRINGFIELD, PRAYING FOR A PRIVILEGE IN THE PARSONAGE LANDS PROPORTIONABLE WITH THE OTHER INHABITANTS OF SAID TOWN.

THE PETITION of the inhabitants of Springfield, living on the west side of the river, praying that they may have a proportionable privilege with the other inhabitants of said towns* in the parsonage or ministry lands, was sent up from the representatives with their concurrence to the order past yesterday by the board thereupon, to wit: —

Ordered, That Lieut.-Col^o Partridge and the present representatives of the towns of Hadley, Northampton, Hatfield and Westfield be a committee to enquire into the matter of the s^d petition and to make report thereof to the session of this court in May next. [*Approved October 20.*]

CHAPTER 34.

ORDER APPOINTING A HEARING ON THE MEMORIAL OF COLONEL ROMER COMPLAINING OF CAPTAIN TIMOTHY CLARKE, AND DIRECTING THAT SAID CLARKE BE NOTIFIED, ETC.

A MEMORIAL of Coll^o Romer, her majestie's engineer, referring to the fortifications on Castle Island, and complaining of Capt. Timothy Clark, one of the committee for that affair, being presented and read, —

Ordered That Col^o Romer be heard upon this Complaint, on Tuesday morning next the 27th instant And that Cap^t Clarke be notified thereof and have a Copy if desired. [*Passed October 21.*]

CHAPTER 35.

RESOLVE, ON THE PETITION OF MICHAEL BACON AND JOHN WILSON, FOR NOTIFYING THOMAS BANISTER TO APPEAR BEFORE THE GENERAL COURT TO PROVE THAT HE IS THE AGENT OF THE HEIR OF MAJOR THOMPSON, WHO IS THE OWNER OF MAJOR GOOKIN'S FARM IN BILLERICA. [*Passed October 21.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

* *Sic.*

CHAPTER 36.

VOTE REFUSING TO GRANT THE PETITION OF MARTHA DADY OF CHARLESTOWN, WIDOW, PRAYING FOR LICENSE TO SELL THE REAL ESTATE OF HER LATE HUSBAND.

A PETITION of Martha Dady of Charlestown, widow, praying liberty to make sale of some housing and lands left by her husband, W^m. Dady, late of Charlestown, deceēd, for her support, was sent up from the representatives with the vote of that house thereupon, —

Voted that It is not Convenient for this Court to grant her power to sell any of y^e Land aboue prayed for. [*Concurred in by the Council, and passed October 24.*]

CHAPTER 37.

RESOLVE FOR AN ADDITIONAL ALLOWANCE OF SEVENTY-FOUR POUNDS AND THIRTEEN SHILLINGS TO JAMES TAYLOR, IN FULL DISCHARGE OF HIS ACCOUNT OF EXPENSES AND FOR LOSS OF TIME IN THE PREPARATION OF INSTRUMENTS, ETC., IN DETERMINING THE BOUNDARY LINE BETWEEN THIS PROVINCE AND THE COLONY OF CONNECTICUT.

THE TREASUR^{RS} acco^{ts} of Charges and disbursm^{ts} referring to the Line betwixt the Two Gouvern^{ts}, and time for p^rparation of Instrum^{ts} therein mentioned Read a 1st 2^d & 3^d time —

Resolved that the Sum of Seventy four pounds thirteen[•] shillings, (in addition to y^e Twenty five pounds he hath allready Received) be allowed and paid to him out of y^e Province Treasury, in full of Said acco^{ts}, and seruice in p^rparation of Instm^{ts} as afores^d — [*Approved October 24.*]

CHAPTER 38.

RESOLVE FOR PAYING FOUR POUNDS AND TEN SHILLINGS OUT OF THE PROVINCE TREASURY TO JOSEPH BEAN,* WOUNDED IN THE KING'S SERVICE AT FORT MARY.

A PETITION of Joseph Beane, interpreter for the Indians at her majestie's Fort Mary at Saco, setting forth that the charge of curing a wound in his hand, received at her majestie's said fort by the firing off a gun (which charge he hath been oblige to pay), amounts to four pounds ten shillings more than the allowance formerly made him of twenty pounds to defrey the charge thereof, and praying consideration of the same, was sent up from the representatives with the resolve of that house in answer to the same, —

Resolved that there be allowed and paid him Out of y^e Province Treasury four pounds Ten Shillings for y^e Compleating of the payment of his Cure [*Concurred in by the Council, and approved October 29.*]

* Written "Bane" in the petition.

CHAPTER 39.

RESOLVE REFERRING TO THE COURTS OF LAW JOHN WILKINS OF BRISTOL, PETITIONER FOR THE APPOINTMENT OF A COMMITTEE TO INQUIRE INTO THE CONDUCT OF THE FIRST PURCHASERS OF THE TERRITORY OF MOUNT HOPE, WITH REGARD TO THEIR ARTICLES OF AGREEMENT FOR DIVIDING SAID TERRITORY.

A PETITION of John Wilkins of Mount Hope, called Bristol, setting forth that there hath not been hitherto any due or regular settlement made of the said place (of part of which he is a purchaser), nor division of the lands there according to articles entred into by those that first purchased the said lands of the government of the late colony of New Plimouth, and praying that a committee may be appointed to make inquiry into the settlement of the said tract of land call'd Mount Hope, and how farr the first purchasers have complied with their articles and agreements, etc, being read at the board, —

Resolv'd y^t the Pet^r be referred to his remedy in course of Law/.
[*Concurred in by the House, and passed October 30.*

CHAPTER 40.

TWO DRAUGHTS OF A LETTER* TO THE GOVERNOR AND COUNCIL OF CONNECTICUT, RESPECTING THE BOUNDARY LINE BETWEEN THAT COLONY AND THIS PROVINCE; AND THE VOTE FOR SIGNING OF SAID LETTER. [*Approved November 2.*

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 41.

ORDER DIRECTING THE APPLICATION OF THE POWDER MONEY RECEIVED AT THE PORT OF MARBLEHEAD TO THE USE OF THE FORT IN SAID TOWN.

* * In y^e house of Representatives * *

Ordered — That all the Powdermoney that for the future shall become due and be Collected at Marblehead be Applied to the Use of Her Majesty's Fort in the said Town.

Sent up for Concurrence.

JAM^s CONVERSE *Speaker*,—

In Council Nov^r 2^d 1702.

Read and concurred wth And ordered that the Cap^{ne} of the Fort there for the time being be y^e Collector of said duty.

Is^a ADDINGTON *Sec^{ry}*.

[*Concurred in by the House, and approved November 2.*

* Both draughts are preserved, although the second draught was prepared because the former draught could not be found.

CHAPTER 42.

RESOLVE FOR CONFIRMING TO HENRY FLYNT* AND THE REST OF THE CHILDREN OF JOSIAH FLYNT, LATE OF DORCHESTER, FIVE HUNDRED ACRES OF LAND CONVEYED BY THE GENERAL COURT TO ELIJAH CORLET, LATE OF CAMBRIDGE, IN THE YEAR 1668, AND PURCHASED OF SAID CORLET.

A PETITION of M^r Henry Flint in behalfe of himself and the rest of the children of M^r Josiah Flint, late minister of Dorchester, deceēd, setting forth that the general court of the late Massachusetts colony in the year 1668 granted to M^r Elijah Corlet, late of Cambridge, school-master, five hundred acres of land which the petitioners' grandmother and their father (both now deceēd) for valuable consideration purchased of the said Corlet, and praying that five hundred acres of land surveyed and laid out by M^r David Fiske near Quansigamuck Pond in obedience to the said grant, and since preambulated by David Heynes, surveyor, may be confirmed to the petitioners, was sent up from the representatives with a platt of the said land, and the *resolve* of that house thereupon that the land described in the said platt be allowed and confirmed as the five hundred acres of land which were given by the general court of the Massachusetts colony in the year 1668 to M^r Elijah Corlet, late school-master in Cambridge, provided it doth not interfere with any former grant or grants of the general court. [*Concurred in by the Council, and approved November 2.*]

CHAPTER 43.

ORDER FOR FURNISHING THE GARRISON AT CASTLE ISLAND WITH BEDDING, ETC.

THE PETITION of the soldiers in garrison at her majestie's castle, praying to be furnished with bedding, etc., was returned from the representatives with the order of that house thereupon, —

Ordered — In Answer to the Petition on the other side that 40 Beds, 40 pair of Sheets. & 40 Blankets, be Provided for the souldiers at the Castle, and Paid for out of the Publick Treasury [*Concurred in by the Council, and approved November 2.*]

CHAPTER 44.

VOTE APPROVING OF THE REPORT OF THE COMMITTEE ON THE PETITION OF HOPESTILL BENT AND OTHERS AND REFUSING SAID PETITION. [*Passed November 3.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

* Although the original petition has not been found, the signature was undoubtedly *Flynt*, as both father and son uniformly spelled their surname with a "y."

CHAPTER 45.

RESOLVE APPOINTING COMMISSIONERS TO SUMMON, AND ADMINISTER OATHS TO, THE DEBTORS OF LOUIS BOUCHER OF BOSTON, MERCHANT, WHOSE BOOKS OF ACCOUNT WERE DESTROYED BY FIRE, TO ASCERTAIN THE AMOUNTS DUE BY SAID DEBTORS.

A PETITION of Louis Boucher of Boston, merch^t, setting forth that by a fire happening in March last, which burnt his warehouse, all his books and accompts were likewise burnt and consumed, whereby he is disabled from recovering by law such debts as are owing to him from any that may have designs of defrauding him thereof, and praying that remedy may be provided for him in that behalf, was read and a resolve was thereupon passed by the board, —

Resolved That a Commission be made out To Elisha Hutchinson, Isaac Addington & Nath^l Byfield Esq^{rs} impowring them or any two of them to call before them all persons indebted to y^e within named Louis Boucher, and to require and administer an Oath unto such respective Debtors referring to y^e debts from them owing to s^d Boucher, and that s^d Commissioners make Report of their doings to the Governour & Council from time to time—[*Concurred in by the House, and approved November 5.*]

CHAPTER 46.

RESOLVE FOR EXEMPTING FROM ALL FUTURE PROVINCE POLL-TAXES JOHN PARKE OF NEWTON, WOUNDED AND MAIMED IN THE KING'S SERVICE, AND FOR ALLOWING TO THE SELECTMEN OF SAID TOWN, OR THEIR ORDER, FIFTY SHILLINGS PER ANNUM FOR HIS USE DURING HIS LIFE.

A PETITION of John Parke of Newtown, praying an allowance in consideration of a wound or maim by him received in the service of the public against the Indian enemy, was sent up from the representatives with the resolve of that house in answer to the same,—

Resolved That the sum of fifty Shillings p^a annum be Paid out of the Publick Treasury to the select men of the Town of Newton, or their order to be by them Employed and Improved for the benefit of the Petitioner and his family during his naturall life, and that the Petitioner be Exempted from being Rated for his Poll in all Province-Taxes for the future. [*Concurred in by the Council, and approved November 5.*]

CHAPTER 47.

ORDER APPOINTING A COMMITTEE* ON THE PETITION OF THE TOWN OF LANCASTER FOR LEAVE TO PURCHASE OF GEORGE TAHANTO, AN INDIAN SAGAMORE, A TRACT OF LAND LYING TO THE WEST END OF SAID TOWNSHIP AND ADJOINING TO WACHUSETT HILL.
[*Passed November 6.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

* The loss of the House Journals leaves it doubtful if this committee was completed by the appointment thereto of members of the House.

CHAPTER 48.

RESOLVE APPOINTING A HEARING ON THE PETITION OF SAMUEL GIBSON OF CAMBRIDGE, FOR A NEW TRIAL OF THE ACTION BROUGHT AGAINST HIM IN MIDDLESEX COUNTY BY JOHN GOVE.

THE PETITION of Samuel Gibson of Cambridge, complaining of a mistrial of a case in the county of Middlesex, was again read and a concurrence past with the resolve of the representatives thereupon, viz^t, —

Resolved that the Petition^r ought to have a hearing before y^e whole Court.* [*Passed November 6.*]

CHAPTER 49.

RESOLVE DECLARING THE MEANING OF THE ACT TO PREVENT ENCROACHMENTS UPON HIGHWAYS, STREETS, ETC. [*Approved November 9.*]

[*Printed in the note to the act of June 7, 1698.*]

CHAPTER 50.

RESOLVE FOR ABATING THE IMPOST ON LOGWOOD SAVED FROM THE BRIGANTINE WEYMOUTH, CAST AWAY ON THE SANDS OFF NANTUCKET.

THE PETITION of Epaphras and Samuel Shrimpton, praying for an abatement of the impost of the logwood saved out of the brigantine Weymouth, John Rayner, master, cast ashore in the month of January last upon the sands lying off the island of Nantucket and there lost, was sent up from the representatives with the resolve of that house thereupon, —

Resolved — That the Praier of the Petition on the other Side be Granted, and Order be Given to the Commission^r for Impost accordingly. [*Concurred in by the Council, and approved November 9.*]

* The entry in the record continues, as of this date, “and agreed that the hearing be at the next session of this court.” But the memorandum on the original reads “The hearing to be at y^e next Session of this Court.”

Sent down for concurrence.

ISA ADDINGTON Sec^y.

House of Representatives Nov^r 19th 1702.

Concurr’d,

JAM^s CONVERSE Speaker”

CHAPTER 51.

RESOLVE FOR PREPARING AND FORTIFYING A SUITABLE PLACE AS A TRADING HOUSE FOR THE SUPPLY OF THE INDIANS AT PENNECOOK, ETC.

THE WINTER being too far advanced for the Erecting of a Trading house for the Supply of the Indians of Pennicooke &c^a and Fortifying of the same at Wataanuck in the County of Midd^x

Resolved That a convenient house next adjoyning thereto such as his Ex^{ty}. shall direct be fitted up and Fortified for that Service, with hewn Timber and a suitable Garrison posted there for the defence thereof the Fortification not to exceed forty foot Square. [*Passed November 10.*]

CHAPTER 52.

RESOLVE APPOINTING A HEARING ON THE PETITION OF SETH PERRY AND SAMPSON MOORE RELATING TO AN ESTATE IN BOSTON FORMERLY BELONGING TO ONE SHEFFIELD, AND FOR NOTIFYING JOSEPH HOLMES THEREOF, ETC.

A PETITION of Seth Perry and Sampson Moore for sale of a house and land in Boston formerly belonging to Ann Sheffield, for payment of debts owing them from her, being read, —

Resolved, That the petitioners and Joseph Holmes (who claims a right to the said house and land) be notified to attend upon Friday the 13th, currant, and that they be heard before the whole court. [*Passed November 10.*]

CHAPTER 53.

ORDER FOR EFFECTING THE APPORTIONMENT, UNDER THE RESOLVE OF FEBRUARY 24, 1701-2, OF THE EXPENSE OF THE NEW BRIDGE OVER TAUNTON GREAT RIVER, AND FOR ENFORCING THE PAYMENT OF THE SAME.

A PETITION of the selectmen of Taunton, praying that effectual order may be given for proportioning the charge of building the bridge over the Great River in said,* being eighty pounds upon the several towns, that by a resolve past the general assembly in February last were appointed to pay and defrey the said charge, was sent up from the representatives with an order past by that house in answer to the same as followeth; viz^t, —

Ordered — That the last Resolve of this Court be attended, & the charge of Building the s^d Bridge being Eighty Pounds be Defrayed one half thereof by the Town of Taunton & the other half by the Towns of ffreetown, Tiverton, Little Compton & Dartmouth in proportion according to their Proportions, as they were Assest to the Province Tax by the Gen^l Assembly at their session in May Anno 1700. And

* *Sic*: "town," omitted?

that the Justices in Quarter sessions for the County of Bristoll Issue out their order unto the Selectmen of the aboves^d Towns to Assess the Same upon the Inhabitants of s^d Towns, each one his due, and equall Proportion thereof according to the Rule before mentioned, and to annex the Penalties as the Law Provides in the Default of Payment of Province Rates and Issue out their Warrants, to the Constables of the respective Towns to Collect the same, and Pay it in unto the selectmen of Taunton for the ends abovesaid. upon the same Penalties that they are to Collect other Assessments. [*Concurred in by the Council, and approved November 10.*]

CHAPTER 54.

RESOLVE FOR ALLOWING AND PAYING TWENTY POUNDS OUT OF THE PROVINCE TREASURY TO CAPTAIN CROFTS, COMMANDER OF THE SHIP GOSPORT, FOR HIS EXPENSE IN ENTERTAINING THE GOVERNOR AND HIS ATTENDANTS IN A VOYAGE TO PEMAQUID.

Resolved — That the sum of Twenty Pounds be Allowed and Paid out of y^e publick Treasury unto Captain Crofts Com^dander of Her Majesty's ship the Gosport for his Expences in Entertaining his Excellency the Governour, and the Gentlemen that waited upon him in his late voyage to Pemaquid. [*Approved November 11.*]

CHAPTER 55.

RESOLVE FOR ALLOWING SIX POUNDS OUT OF THE PROVINCE TREASURY TO JOHN WATSON, PURSER OF THE SHIP GOSPORT, FOR HIS EXTRAORDINARY EXPENSES ON HIS VOYAGE TO THE EASTWARD WITH THE GOVERNOR.

Resolved that the Sum of Six pounds be allowed out of the publick Treasury to s^d m^r Jn^o Watson, Purser of her maj^{ties} Ship the Gosport for his Extraordinary Expences in wood Candle &c on s^d ship waited on his Excellency to the Eastward. [*Approved November 11.*]

CHAPTER 56.

RESOLVE FOR AN ADDITIONAL ALLOWANCE OF FOUR POUNDS, EACH, TO JOHN HATHORNE, DANIEL PEIRCE, JAMES CONVERSE, JAMES COFFIN, EDWARD BRATTLE AND JOHN WHITE, THE COMMITTEE THAT ACCOMPANIED THE GOVERNOR TO PEMAQUID.

Resolved — That there be Allowed and Paid out of the Publick Treasury, to John Hathorn, Daniel Pierce, James Converse, James Coffin Esq^r Cap^t Edward Brattle, and m^r John White the Committee that waited on His Excellency to Pemaquid to each one of them, the sum of four Pounds, over and above, what was Allowed them, for their Expences by his Excellency and the Councill. [*Approved November 11.*]

CHAPTER 57.

RESOLVE FOR ALLOWING AND PAYING ONE POUND AND FOURTEEN SHILLINGS OUT OF THE PROVINCE TREASURY TO ALEXANDER BOGLE FOR HIS SERVICES IN BUILDING A FORTIFICATION AT WORCESTER UNDER THE GOVERNMENT OF SIR EDMUND ANDROS.

Resolved — That the Sum of one Pound and fourteen Shillings be Allowed and Paid out of the Publick Treasury, to Alexander Bogle for seventeen Daies Labour in Building a ffortification at Worcester, by order of authority in the time of the Government of S^r Edmund Androsse [*Approved November 11.*]

CHAPTER 58.

RESOLVE FOR ALLOWING AND PAYING OUT OF THE PROVINCE TREASURY THIRTY-FIVE POUNDS, EACH, TO THOMAS BRATTLE AND TIMOTHY CLARKE FOR THEIR SERVICES IN MANAGING THE EXPENDITURE OF THE MONEY GRANTED TOWARDS FORTIFYING CASTLE ISLAND.

A PETITION of Thomas Brattle, Esq^r, and Capt. Timothy Clarke, praying satisfaction for their service this year as a committee for the ordering and directing the reparation and new making of fortifications on Castle Island, and to manage the laying out of the money granted for that use, being sent up from the representatives with the resolve of that house thereupon, —

Resolved that there be thirty five pounds allowed and paid to Each of the petition^{rs} out of the Publick Treasury for their service Done at y^e Castle. [*Concurred in by the Council, and approved November 12.*]

CHAPTER 59.

RESOLVE FOR FIXING THE PAY OF THE OFFICERS OF THE GARRISON AT CASTLE ISLAND.

Resolved — That the Sum. of fifty Pounds be Allowed, and Paid out of the Publick Treasury, to the Lieutenant of the Castle for the Year currant, And Thirty Pounds to M^r Nathaniel Holmes, the present Lieutenant of the Castle ; He Instructing in the Art of Gunnery Such as Shall be Appointed to learn the Same.

That the Sum : of fforty and five Pounds be Allowed and Paid out of the Publick Treasury to the Chaplain of the Castle for the present Year. &

That the Sum. of fforty Pounds be Allowed and Paid out of the Publick Treasury to the Gunner of the Castle for the present Yeare. [*Approved November 14.*]

CHAPTER 60.

ORDER FOR ENCOURAGING THE BUILDING OF A POWDER-HOUSE IN BOSTON, AND FOR ESTABLISHING THE FEES TO BE RECEIVED FOR THE STORAGE OF POWDER THERE, ETC.

THE PETITION of several merchants of the town of Boston, referring to a magazine for gunpowder, was returned from the representatives with their concurrence to the order pass'd yesterday by the board thereupon, with several amendm^{ts}, w^{ch} being read at the board and agreed to, the said order is as follows; viz^t,—

Ordered, That if any number of the Pet^{rs} shall Erect a Powder House in y^e Town of Boston in such place, and of such materials dimensions and form as shall be acceptable to the Governo^r and Council, and finish the same by the last day of June next, They shall receive for every barrel of Gunpowder there Lodged twelve pence at Entrance, and Six pence p month for three months after the first and then four pence p month during its lying there. The Governour and Council to give Rules and Orders from time to time as they shall thinke fit for regulating the keeping thereof, so as it may be best preserved, to be turned at least once a month And all Powder Imported and Landed in the Port of Boston that shall not be brought into the said Store shall be liable to Confiscation, one halfe thereof to the Informer, and the other halfe to the publick Store of the Province. Saving the Ordinary Town's Stock for the Town's of Boston and Charlestown from time to time; And the Quantity of Twenty pounds which may be kept in a Shop for Sale, and the like quantity for Store or Service. And the Petitioners if they see cause or in case of their refusal, either the Governm^t or any private Gentlemen within the space of Six months next after the said last day of June may Erect another Powder house on the same Terms and under the same Rules and Orders of Regulation aboves^d

This Order to continue in force during the space of twenty one years next coming. [*Approved November 17.*]

CHAPTER 61.

RESOLVE FOR ALLOWING AND PAYING TWO HUNDRED POUNDS TO JOSEPH DUDLEY FOR HIS SERVICES AS GOVERNOR, AND FOR HOUSE-RENT FOR THE PRESENT YEAR.

In the House of Representatives. Novem^r 13th 1702.

Resolved — That the Sum of Two Hundred Pounds be Allowed and Paid out of the Publick Treasury to his Excellency Joseph Dudley Esq^r Cap^t Gen^l and Governour in Chief of this Her majesty's Province, for his Service as Governour, and for House Rent, for the present Year, beginning from the time of His Excellency's Arrivall, over and above the five Hundred Pounds that was Presented to his Excellency at the last session of this Court.

Sent up for Concurrence.

JAM^s CONVERSE *Speaker* —

Novemb^r 14th 1702. In Council. Read. and sent down with a message for reconsideration.

Novemb^r 18th

This Resolve having been sent down to the Representatives with a message from the Board to move their reconsideration thereof. And the Sum of Five hundred pounds therein mentioned being a Present to his Excell^{cy} and not to be considered in this matter. And the Sum of Two hundred pounds expressed to be for his Excellencies Service as Governour being very much below the dignity of his Station and dishonorable to this Governm^t. The Representatives not seeing fit to have reconsideration thereof. The Council desire his Excellencies acceptance of the s^d sum of Two hundred pounds* at present; In hopes the Assembly will have further consideration of that matter in another Session, and do that which is proper and honorable for the Government. —

ISA^A ADDINGTON Sec^{ry}.

[*Passed November 18.*

CHAPTER 62.

RESOLVE FOR ALLOWING AND PAYING TWO HUNDRED POUNDS TO THOMAS POVEY FOR HIS SERVICES AS LIEUTENANT-GOVERNOR AND COMMANDER OF THE CASTLE SINCE HIS ARRIVAL IN THIS PROVINCE.

Resolved — That the Sum of Two Hundred Pounds be Allowed, and Paid to the Honorable Thomas Povey Esq^r. Lieutenant Governour of this her Majesty's Province, as Lieutenant Governour, and Commander of the Castle, for the present Year beginning at the Time of his Honour's Arrivall. [*Approved November 18.*

CHAPTER 63.

RESOLVE FOR ALLOWING FIFTY POUNDS TO ISAAC ADDINGTON, SECRETARY OF THE PROVINCE, FOR HIS SERVICES FOR THE YEAR ENDING DECEMBER, 1702.

Resolved That the Sum. of fifty Pounds be Allowed and Paid out of the Publick Treasury to Isaac Addington Esq^r Secretary of this her Majesty's Province for his Service in the Said office, the Year currant expiring in Decemb^r next. [*Approved November 18.*

CHAPTER 64.

RESOLVE FOR ALLOWING FIFTY POUNDS PER ANNUM, EACH, TO WAIT WINTHROP, ELISHA COOKE, SAMUEL SEWALL, JOHN WALLEY AND JOHN SAFFIN, JUSTICES OF THE SUPERIOR COURT, ETC., FOR THEIR SERVICES FROM DECEMBER, 1701, TO SEPTEMBER, 1702.

Resolved That there be Allowed and Paid out of the Publick Treasury to the Honorable Wait Winthrop, Elisha Cooke, Samuel Sewall,

* On the fourth of December the Governor received from the treasury the amount allowed by this resolve.

John Walley, and John Saffin Esq^{rs} to each of them after the Rate of fifty Pounds p^a annum for their Service as Judges of the Superiour Court from the month of Decem^r to the month of September last. [*Approved November 18.*]

CHAPTER 65.

RESOLVE FOR GRANTING AN ADDITIONAL ALLOWANCE OF EIGHTEEN POUNDS TO JOHN WHITE, CLERK OF THE HOUSE OF REPRESENTATIVES, FOR HIS SERVICES FOR THIS YEAR.

Resolved, That there be allowed and paid out of the public treasury to M^r. John White, clerk of the house of representatives, in consideration of his service done and to be done in his said office this year till the next election, the sum of eighteen pounds over and above what is already granted to him for this year. [*Approved November 18.*]

CHAPTER 66.

RESOLVE FOR ALLOWING AND PAYING OUT OF THE PROVINCE TREASURY SIX POUNDS, EACH, TO JOHN PHILLIPS, PENN TOWNSEND, NATHANIEL BYFIELD AND JOHN NELSON FOR THEIR SERVICES IN NEGOTIATING A TREATY WITH THE EASTERN INDIANS IN THE YEAR 1701.

Resolved — That there be Allowed and Paid out of the Publick Treasury to John Phillips, Penn Townsend, Nathan^l Byfield, and John Nelson Esq^{rs} to each of them the sum. of Six Pounds, for their Service in managing a Treaty with the Eastern Indians in the Year 1701. being Sent by the Honorable the late Lieutenant Govern^r and Councill. [*Approved November 18.*]

CHAPTER 67.

ORDER APPOINTING A COMMITTEE TO PREPARE THE DRAUGHT OF AN ADDRESS TO THE QUEEN IN REFERENCE TO THE ERECTION OF A FORT AT PEMAQUID, ETC.

In the House of Representatives Novem^r 18th 1702.

Ordered — That M^r. Thomas Oakes, M^r. Nehemiah Jewett, Cap^t. Samuel Checkley M^r. William Denison, and Maj^r. Jeremiah Swain be a Committee, to Join with a Committee of the Board to Prepare, and lay before this Court an humble Adresse and Memoriall to her Majesty, referring to the Erecting a fort at Pemaquid, and such other Things as they shall Think proper at this time to be laid before her Majesty by this Court.

Sent up for Concurrence., JAM^s CONVERSE *Speaker*, —
die prædict. In Council. Read and Concurred wth and the Secretary. Nath^a Thomas & Nath^a Byfield Esq^{rs} appoint^d a committee of the Board.

IS^a ADDINGTON *Sec^{ry}.*

[*Passed November 18.*]

CHAPTER 68.

ORDER AUTHORIZING THE LAYING OUT, TO THE USE OF THE HEIRS OF HERBERT PELHAM AND THOMAS WALGRAVE, EIGHT HUNDRED ACRES OF LAND GRANTED TO SAID PELHAM AND WALGRAVE BY THE GENERAL COURT IN THE YEAR 1648. [*Approved November 18.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 69.

RESOLVE AUTHORIZING THE COMMANDER-IN-CHIEF, ETC., TO TRANSPORT PART OF THE MILITIA INTO THE NEIGHBORING PROVINCES, ETC., IN THE VACANCY OF THE GENERAL ASSEMBLY. [*Approved November 19.*]

[*Printed in the note to the act of March 16, 1699–1700.*]

CHAPTER 70.

RESOLVE FOR FURTHER CONTINUING THE COMMITTEE APPOINTED BY CHAPTER 29 OF THE RESOLVES OF THIS YEAR TO EXAMINE THE ACCOUNTS OF JOHN USHER, LATE TREASURER OF NEW ENGLAND.

Resolved, That the committee appointed by this court at their last session to examine the accompts of John Usher, Esq^r, late treasurer, and call for all former reports and papers relating thereto, and to report their doings therein to the next session of this court, be revived and further continued for the affair afores^d, to sit in the intermediate time betwixt this and the next session, saving that Eliakim Hutchinson, Esq^r, be of the s^d committee in the room of Peter Sergeant, Esq^r, at his desire to be dismiss. [*Approved November 21.*]

CHAPTER 71.

RESOLVE FOR GRANTING TO THE HEIRS OF SIMON BRADSTREET ONE THOUSAND ACRES OF LAND, IN FULL CONSIDERATION OF THE ARREARS DUE HIM WHILE GOVERNOR, ETC. [*Approved November 21.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 72.

RESOLVE FOR ALLOWING AND PAYING SAMUEL WILLARD AT THE RATE OF SIXTY POUNDS PER ANNUM, FROM SEPTEMBER 6, 1701, FOR HIS SERVICES AND EXTRAORDINARY EXPENSES AS VICE-PRESIDENT OF HARVARD COLLEGE.

Resolved — That there be Allowed and Paid out of the Publick Treasury unto the Reverend M^r Samuel Willard Vice-President of Harvard Colledge, after the Rate of fifty Pounds p annum from the 6th Day of Septem^r in the Year 1701. to this time for his service in the Said Office, and after the Rate of Ten Pounds p Year, for his more than ordinary Expence in his attending y^e said service. [*Approved November 21.*]

CHAPTER 73.

RESOLVE FOR ALLOWING AND PAYING FOUR POUNDS THREE SHILLINGS AND FOURPENCE OUT OF THE PROVINCE TREASURY TO NICHOLAS BOONE OF BOSTON, FOR ONE HUNDRED PRINTED COPIES OF THE LAST ELECTION SERMON BY INCREASE MATHER.*

Resolved — That the sum of four Pounds three Shillings and four pence, be Allowed and Paid out of the Publick Treasury unto Nicolas Boone of Boston for one Hundred Books of the last Election sermons of the Reverend M^r Increase Mather Which he Printed according to order. [*Approved November 21.*]

CHAPTER 74.

VOTE ELECTING A COMMITTEE TO SIGN, ETC., BILLS OF CREDIT EMITTED UNDER THE ACT OF NOVEMBER 21, 1702. [*Approved November 21.*]

[*Printed in the note to the act of November 21, 1702.*]

CHAPTER 75.

RESOLVE FOR PAYING TWO POUNDS OUT OF THE PROVINCE TREASURY TO HENRY FLYNT,† FIRST FELLOW OF HARVARD COLLEGE, FOR HIS ATTENDANCE AS CHAPLAIN TO THE GOVERNOR AND GENERAL COURT DURING THE PRESENT SESSION.

Resolved, That the Sum of two pounds be paid out of the publick Treasury unto m^r Henry Flint, the first Fellow of the Colledge for his attendance as Chaplain to his Excellency Council & Representatives during the present Session of the General Assembly [*Approved November 21.*]

* See note to 1701-2, chapter 107.

† See note to chapter 42, *ante*.

ORDERS,
RESOLVES AND VOTE,

PASSED 1702-3.

LEGISLATIVE LIST

FOR

1702-3.*

NOTE. — The councillors and permanent officers continued throughout the year. See head-note to legislative list, 1693-4.

REPRESENTATIVES OR DEPUTIES.

March 10, 1702-3 to March 27, 1703.

JAMES CONVERSE, ESQ., SPEAKER.

| COUNTY OF SUFFOLK. | | COUNTY OF ESSEX. | |
|--------------------|--|--------------------|---|
| <i>Boston,</i> | Capt. Samuel Legg, Esq.,† Capt. Samuel Checkley, Thomas Oakes, Esq.,‡ Capt. Ephraim Savage. | <i>Salem,</i> | Mr. Josiah Wolcott, Capt. Samuel Gardner. |
| <i>Roxbury,</i> | Mr. William Denison. | <i>Lynn,</i> | Lieut. John Pearson. |
| <i>Dorchester,</i> | Mr. Hopestill Clap. | <i>Marblehead,</i> | Mr. Richard Trevet.¶ |
| <i>Milton,</i> | Mr. George Sumner. | <i>Beverly,</i> | Mr. Isaac Woodbery.** |
| <i>Braintree,</i> | Mr. John Baxter. | <i>Wenham,</i> | Sergeant Thomas Patch.†† |
| <i>Weymouth,</i> | Capt. Stephen French. | <i>Ipswich,</i> | Mr. Nehemiah Jewett, Mr. Nathaniel Knoulton.‡‡ |
| <i>Hingham,</i> | Lieut. Theophilus Cushing. | <i>Rowley,</i> | Capt. Joseph Boynton. |
| <i>Dedham,</i> | Capt. Daniel Fisher. | <i>Newbury,</i> | Capt. Stephen Greenleaf.§§ |
| <i>Wrentham,</i> | Mr. Samuel Fisher, jun § | <i>Salisbury,</i> | Mr. Isaac Morill. |
| <i>Medfield,</i> | Mr. John Thurston. | <i>Amesbury,</i> | Mr. John Kimball, sen.¶¶ |
| <i>Mendon,</i> | Capt. Josiah Chapin. | <i>Bradford,</i> | Capt. David Haseltine.*** |
| <i>Woodstock,</i> | Mr. Philip Eastman. | <i>Haverhill,</i> | Lieut. John White. |
| | | <i>Andover,</i> | Capt. James Frie.††† |

* The General Court convened in May was dissolved by proclamation, Jan. 29, 1702-3. Writs were afterwards issued for a new Assembly which met at Boston on the tenth of March, and continued in session until the twenty-seventh, when it was dissolved.

† "Captain," in the Secretary's list, but "Esquire," in the town records

‡ "Mr.," in the Secretary's list, but "Okes, Esquire," in the town records.

§ "Junior," in the town records.

|| "Pierson," in the Secretary's list, "Person," in the town records.

¶ "Trevett," in the Secretary's list.

** "Woodbury," in the Secretary's list.

†† "Sergeant," in the town records, but "Mr.," in the Secretary's list.

‡‡ "Knolton," in the Secretary's list.

§§ "Greenleaf," in the Secretary's list.

|||| "Morrell," in the Secretary's list, "Morrill," in the town records.

¶¶ According to the town records, and the Secretary's list, but he does not appear to have subscribed the qualifying oaths.

*** "Hazeltime," in the Secretary's list.

††† "Frye," in the Secretary's list.

COUNTY OF ESSEX — *Concluded.*

Topsfield, Capt. John Gould.*
Gloucester, Capt. James Davis.
Boxford, Mr. William Foster.

COUNTY OF HAMPSHIRE.

Springfield, Lieut. John Hitchcock.†
Northampton, Mr. John Clarke.
Hatfield, Mr. Eleazer Frary.‡
Hadley, Mr. Thomas Hovey.
Westfield, Capt. Isaac Phelps.

COUNTY OF PLYMOUTH.

Plymouth, Capt. James Warren, Esq.§
Scituate, Mr. Thomas King.
Duxbury, Mr. Edward Southworth.||
Marshfield, Capt. Nathaniel Winslow.¶
Bridgewater, Mr. Edward Fobes.

COUNTY OF BARNSTABLE.

Barnstable, Lt.-Col. John Goreham.
Sandwich, Maj. William Bassett.**
Yarmouth, Mr. Thomas Sturgis.
Eastham, Mr. John Doane.

COUNTY OF BRISTOL.

Bristol, Mr. Nathaniel Blagrove.
Rehoboth, Mr. Stephen Paine.
Taunton, Mr. Benjamin Crane.

COUNTY OF BRISTOL — *Concluded.*

Swansey, Mr. Ephraim Pirce.††
Little Compton, Mr. John Palmer.‡‡

ISLAND OF NANTUCKET.

Mr. William Gayer.

COUNTY OF MIDDLESEX.

Charlestown, Samuel Hayman, Esq.,§§
 Capt. Samuel Phipps.||||
Cambridge, Mr. Thomas Oliver.
Watertown, Mr. Simon Stone,
 Mr. Joseph Sherman.¶¶
Sudbury, Mr. John Balcom.***
Marlborough, Capt. Henry Kerley.†††
Malden, Mr. Edward Sprague.
Newton, Mr. James Trowbridge.‡‡‡
Billerica, Mr. James Frost.
Woburn, Maj. James Converse, Esq. §§§
Medford, Lieut. Thomas Willis.
Sherburne, Mr. Thomas Sawin.|||||
Concord, Mr. Simon Davis,
 Mr. Nathaniel Billings.¶¶¶
Chelmsford, Mr. Nathaniel Hill.
Reading, Maj. Jeremiah Sweyne.
Framingham, Mr. John Haven.

COUNTY OF YORK.

Kittery, Mr. Samuel Winkley.

JOHN WHITE, *Clerk.*

JAMES MAXWELL, *Doorkeeper to the Governor and General Court.*

* "Gold," in the Secretary's list.

† "Lieutenant," in the town records, but "Mr.," in the Secretary's list.

‡ "Frarey," in the Secretary's list.

§ "Captain," in the town records, "Esquire," in the Secretary's list.

|| "Southward," in the Secretary's list.

¶ At a town meeting held at Marshfield, Feb. 22, Mr. Samuel Sprague was chosen representative, but refused to serve, whereupon Mr. Ephraim Little was chosen, but he refusing, Captain Nathaniel Winslow was chosen on the eighth of March.

** "Basset," in the Secretary's list.

†† He subscribed the qualifying oaths, but his name is not in the Secretary's list.

‡‡ He does not appear to have subscribed the qualifying oaths.

§§ "Heyman," in the town records, and in the Secretary's list.

|||| "Captain," in the town records, but "Mr.," in the Secretary's list.

¶¶ "Shearman," in the town records.

*** "Balcome," in the Secretary's list.

††† "Kearly," in the Secretary's list.

‡‡‡ "Trobridge," in the Secretary's list.

§§§ "Major," and "Convers," in the town records, "Esquire," in the Secretary's list.

||||| "Sawen," in the town records.

¶¶¶ Or, "Billing." As subscribed to the qualifying oath, it is doubtful.

ORDERS, RESOLVES AND VOTE

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TENTH DAY OF MARCH, A.D. 1702-3.

CHAPTER 1.

ORDER APPOINTING A COMMITTEE TO CALL A MEETING OF THE PROPRIETORS OF THE OUTWHARVES, IN BOSTON, TO CONSIDER PLANS FOR RAISING AND MAINTAINING THEM, AND WHAT ACTION BY THE GENERAL COURT IS NECESSARY TO ESTABLISH TOLLS OR DUTIES ON VESSELS TO SUPPORT THE CHARGE THEREOF.

March. 11th 1702. In Councel — .

ELISHA COOKE, Elisha Hutchinson, John Foster and Andrew Belcher Esq^{rs} are nominated a Committee of the Board to joyne with such as shall be named by the House of Representatives, to summon a Meeting of the Proprietors of the out wharffes in Boston, and to consider of Methods for the rayseing and Supporting of them And what may be necessary to be done by this Court, in laying of such Toll and Duty's on Vessells lying to or within the same as may Support the charge thereof. And to Report the same.—

Sent down for Concurrence.

Is^a ADDINGTON Sec^{ry}. —

In the House of Representatives

March 12th 1702. Read. and

Ordered — That Cap^t Samuel Checkley. Cap^t Ephraim Savage, Col^o John Goreham, Cap^t Stephen French; and Cap^t Samuel Phipps be a Comⁱtee to Join with the Comⁱtee of the Board in the affair above-mentioned.

JAM^s CONVERSE *Speaker*

[*Passed March 12, 1702-3.*]

CHAPTER 2.

RESOLVE FOR ALLOWING AND PAYING THE ADDITIONAL SUM OF FIVE HUNDRED POUNDS TOWARDS FORTIFYING CASTLE ISLAND.

Resolved — That the Sum of Five Hundred Pounds be Allowed, and Paid out of the Publick Treasury, towards Fortifying Castle Island. over and above what is already Granted for that End, which Shall be Improved in finishing those Works, that are most necessary to be done, for the present Defence of the Same, particularly the Platforms and Carriages to be done in the first place. [*Passed March 13, 1702-3.*]

CHAPTER 3.

RESOLVE FOR PAYING EIGHTEEN POUNDS SEVEN SHILLINGS AND THREEPENCE OUT OF THE PROVINCE TREASURY TO ANDREW BELCHER FOR KEEPING FRENCH PRISONERS.

AN ACCOMPT of charges and expence by Andrew Belcher, Esq^r, for keeping and subsisting French prisoners of warr, amounting to the sum of eighteen pounds seven shillings and threepence, allowed and passed in the house of representatives to be paid out of the public treasury and sent up for concurrence, was read and concurr'd with. [*Approved March 15, 1702-3.*]

CHAPTER 4.

RESOLVE FOR ALLOWING AND PAYING THE ADDITIONAL SUM OF THIRTY-FIVE POUNDS, EACH, TO THOMAS BRATTLE AND TIMOTHY CLARKE FOR THEIR SERVICES IN MANAGING THE EXPENDITURE OF THE MONEY GRANTED TOWARDS FORTIFYING CASTLE ISLAND, ETC.

Resolved — That the Sum of Thirty and five Pounds be Allowed, and Paid out of the Publick Treasury to M^r Thomas Brattle, and the like sum. of Thirty and five Pounds to Cap^t Timothy Clark over and above what was Granted them the last session of this Court for their service in hitherto Directing the laying out the money Granted for fortifying Castle-Island, (there being thrû Mistake so much lesse given to them than was Intended.

And the Co^mittee for fortifying the Said Island is hereby Impowered to Direct the Laying out the money further Granted this Session for Fortifying the Said Island. For providing of workemen and Materials &c

And the Direction of the worke to be under Colonel Romer [*Approved March 16, 1702-3.*]

CHAPTER 5.

ORDER APPROVING THE GOVERNOR'S INTENTION TO MARCH ONE HUNDRED MEN TO THE FRONTIERS AND PROMISING SUBSISTENCE FOR SAID FORCE.

In the House of Representatives. March 16th 1702.

Ordered — That a Message be sent up to his Excellency the Governour, that this House Tender him their Thanks, for his Care to Preserve the Peace with the Eastern Indians, and that they think it highly reasonable, that his Excellency Please to Put in Execution his Purpose of marching an hundred men into the Frontiers and that this House shall do their Duty towards their Subsistence.

That Samuel Legg Esq^r Cap^t Samuel Checkley. and Cap^t Samuel Gardner, carry up the above s^d message.

JAM^s CONVERSE *Speaker* : —

In Council. March. 16th 1702/3 Read. and the Council declared their Satisfaction there with —.

Is^a ADDINGTON *Sec^{ry}*

[*Passed March 16, 1702-3.*]

CHAPTER 6.

ORDER FOR APPORTIONING THE CHARGE OF BUILDING THE MEETING-HOUSE ON THE WEST SIDE OF THE RIVER, IN SPRINGFIELD. [*Approved March 17, 1702-3.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 7.

ORDER FORBIDDING FERRYMEN TO DEMAND OR TAKE PAYMENT FOR TRANSPORTING SOLDIERS DURING THE PRESENT WAR, AND REQUIRING THEM TO ATTEND AT THEIR FERRIES NIGHT AND DAY, TO EXPEDITE MARCHES, ETC.

Ordered, That for the Transportation of Souldiers during the present War, no Ferrymen in this Province presume to demand or take any payment what soever. And that the said Ferrymen do carefully attend night and day to Expedite their Marches, upon the danger of being prosecuted as neglecting Her Maj^{ty's} Service and the Security of this Province. — [*Approved March 18, 1702-3.*]

CHAPTER 8.

RESOLVE POSTPONING TO THE SECOND WEDNESDAY OF THE NEXT SESSION OF THE GENERAL COURT THE HEARING APPOINTED FOR THIS SESSION ON THE PETITION OF SAMUEL GIBSON, HE TO NOTIFY THE ADVERSE PARTY THEREOF.

A PETITION of Samuel Gibson praying that a day may be assigned him to attend the hearing granted him to be at this session by the last general assembly, was read and,—

Resolved, That the hearing of the said cause be referred to the second Wednesday of the general assembly to be holden in May next, and be then attended, the petitioner to notify the adverse party. [*Approved March 18, 1702-3.*]

CHAPTER 9.

RESOLVE FOR PAYING FOR THE CURE OF ALL SOLDIERS WOUNDED OR TAKEN SICK IN THE QUEEN'S SERVICE.

Resolved — That all Souldiers wounded, or Taken Sick, in Her Majesties Service the Charge of their Cure, Shall be Paid by the Province. [*Approved March 19, 1702-3.*]

CHAPTER 10.

RESOLVE APPOINTING A COMMITTEE TO CONSIDER THE PROPOSALS OF WILLIAM CHALKHILL, OF LONDON, ONE OF THE QUEEN'S MONEYERS, TO SUPPLY THE PROVINCE, FROM ENGLAND, WITH SMALL MONEY OF COPPER TO THE VALUE OF TEN THOUSAND POUNDS.

PROPOSALS offered by William Chalkhill, one of the moneyers of her maj^{ties}. mint in the tower of London, to furnish the province, from England, with small money of copper to the value of ten thousand pounds, sent up from the representatives, were read and, —

Resolved, That John Walley, Penn Townsend and Andrew Belcher, Esq^{rs}., be a committee of the board to joine with such as shall be named by the house of representatives, to consider of the said proposals and to make their report thereupon.

Which resolve being sent to that house for their concurrence was returned agreed to, and M^r. Nehemiah Jewett. Capt. Samuel Checkley and Capt. Samuel Phips named to be of the committee for that affair. [*Passed March 19, 1702-3.*]

CHAPTER 11.

VOTE FOR APPROPRIATING ONE HUNDRED ACRES OF LAND TO THE USE OF THE MINISTRY IN THE TOWN OF SUFFIELD, ON CONDITION THAT SAID TOWN GRANT, ETC., AN EQUAL QUANTITY OF LAND IN FEE SIMPLE TO BENJAMIN RUGGLES, MINISTER OF SAID TOWN. [*Approved March 24, 1702-3.*]

[*Printed with resolves, orders, etc., relating to the establishment, etc., of towns, etc.*]

CHAPTER 12.

RESOLVE FOR ALLOWING AND PAYING FOUR POUNDS OUT OF THE PROVINCE TREASURY TO DANIEL SMITH, OF CHARLESTOWN, GUNSMITH, FOR FOUR MUSKETS AND FOR REPAIRING ARMS TO BE USED IN THE KING'S SERVICE UNDER THE GOVERNMENT OF S^r EDMUND ANDROS, ETC.

A PETITION and an accompt therewith, presented by Daniel Smith of Charlestown, gunsmith, for payment for four new muskets, and for mending of several fire-arms for a detachment of soldiers against the Indian enemy in the time of S^r Edmond Andros's government, was sent up from the representatives with the *resolve* of that house thereon, that the sum of four pounds be allowed and paid out of the public treasury to the said Daniel Smith, besides what he can obtain of persons for whom he mended armes. [*Concurred in by the Council, and approved March 25, 1703.*]

CHAPTER 13.

RESOLVE THANKING THE COMMITTEE APPOINTED TO PRINT AND SIGN THE BILLS OF CREDIT EMITTED UNDER THE ACT OF 1702, CHAPTER 8, AND FOR PAYING THEM NINETY-FIVE POUNDS THIRTEEN SHILLINGS AND NINEPENCE OUT OF THE PROVINCE TREASURY FOR DEFRAYING THEIR EXPENSES.

AN ACCOMPT of disbursements, presented by James Russell, Esq^r, etc., the committee appointed to imprint and sign the bills of credit on this province, according to an act of the general assembly, amounting to the sum of ninety-five pounds thirteen shillings and ninepence, was sent up from the representatives with the *resolve* of that house thereupon, agreeing that the gentlemen receive the thanks of the court for their faithfulness, care and prudence in managing that affair, and that the sum of ninety-five pounds thirteen shillings and ninepence be paid out of the public treasury to the gentlemen of the said committee to defrey the charge of making bills of credit according to their accompt. [*Concurred in by the Council, and approved March 27, 1703.*]

CHAPTER 14.

ORDER DIRECTING THE COMMITTEE APPOINTED TO SIGN, ETC., THE BILLS OF CREDIT EMITTED UNDER THE ACT OF 1702, CHAPTER 8, TO SIGN AND DELIVER TO THE TREASURER THE FIVE THOUSAND POUNDS IN SAID BILLS REMAINING IN THEIR HANDS.

WHEREAS the great and general court of this province at their session held at Cambridge on the fifteenth day of October last past, in and by an act then made and passed, did order the imprinting of a certain number of bills of credit on this province to the sum of ten thousand pounds and no more; and amongst other things in the said act contained did nominate, direct and impower a certain committee to take care and make provision for imprinting of the said bills, and to sign and deliver the sum of five thousand pounds thereof and no more into the hands of the treasurer and to keep the other five thousand pounds unsigned in their own hands until further order from the court pursuant to the aforesaid act,—

Ordered, That the said committee do proceed to sign the other five thousand pounds of the said bills of credit imprinted and lying in their hands and deliver them unto the treasurer, taking his receipt for the same. The said bills to pass out of and into the treasury in all public payments as the first five thousand pounds already emitted according to the aforesaid act. [*Approved March 27, 1703.*]

CHAPTER 15.

ORDER FOR DISMISSING TIMOTHY CLARKE FROM THE COMMITTEE ON THE FORTIFICATIONS AT CASTLE ISLAND AND FOR GIVING THE SOLE DIRECTION OF THE WORKS TO COLONEL ROMER; ALSO FOR AUTHORIZING THOMAS BRATTLE TO CONTINUE TO PROVIDE THE MATERIALS, ETC., THEREFOR.*

A vote pass'd in the words following, viz.: The difference continuing betwixt Coll. Romer, her majestie's engineer, and Cpt. Timothy Clark, one of the committee for the fortifications on Castle Island, notwithstanding endeavours used to take up the same, whereby the further carrying on the works to be done there are obstructed, the council are of advice that Coll. Romer be encouraged to proceed in those works and Cpt. Clark be dismiss'd, and that Thomas Brattle, Esq^r, do continue to undertake the service for providing materials and necessaries for the works. W^{ch} vote being sent down to the house of represent^{ves} for concurrence was brought up again wth the vote of that house thereon in the words following, viz.,—

Ordered, That although this house sees no just cause for dismissing of Cpt. Clark, yet if his excellency and council see it necessary they do consent that the works be carried on at the Castle by Coll. Romer and Thomas Brattle, Esq^r, rather than the works should cease. [*Passed March 27, 1703.*]

CHAPTER 16.

RESOLVE FOR ALLOWING AND PAYING FIVE POUNDS OUT OF THE PROVINCE TREASURY TO STEPHEN MINOT FOR FIREWOOD, ETC., FOR THE ACCOMMODATION OF THE GENERAL COURT DURING THE PRESENT SESSION.

Resolved, That the sum of five pounds be allowed and paid out of the publick treasury to M^r Stephen Minott for the trouble and charge he has bin at in firewood, and otherwise, to accomodate this court in their present session at his house. [*Approved March 27, 1703.*]

* That Clarke was dismissed in accordance with the above vote, appears by the representation of Brattle in his petition to the General Court, dated July 29, 1703. Brattle's statement is corroborated by the fact that allowances to Clarke for continuing the work, cease from this date until he was reinstated under the resolve of 1703-4, chapter 111, *post*. No record of the removal of Clarke, or of limiting Brattle's duties has been discovered other than what is contained in the above order.

NOTES.

NOTES* TO THE RESOLVES, ETC.

1692-3.

Chap. 1. This chapter is from archives, vol. 11, p. 62. This proclamation, which originated in the House, was ordered by the Governor and Council to be printed.

Chap. 3. This chapter is from archives, vol. 100, p. 398. It is recorded in council records, vol. VI., p. 236.

Chap. 4. This chapter is from archives, vol. 100, p. 400. It is recorded in council records, vol. VI., p. 237.

The committee reappointed by this order was first appointed by the provisional government, May 26, 1691. The following is the record of their appointment and of their doings before the arrival of the province charter :—

“May 26, 1691. Ordered That the Bills of Public Credit already given, and to be given out for adjusting Country debts shall not exceed the Sum of forty thousand pounds which is Supposed will amount to the full of what the Country is indebted and will probably be Called in again by the rates already granted, and that Mr John Foster, Capt Joseph Lynde, and Capt Samuel Ruggles be, and are hereby appointed a Committee to call in, and take into safe custody the Plates which the Bills were printed off with, and to examine what Bills are still resting in the Committees hands not given forth, also to examine what Sum in the Said Bills are already drawn into the Treasury, and to direct that the Country have Credit in the Treasurers Book, for that Sum, and so to dispose of, and Secure those Bills, as there may be no Danger of their Coming forth again into any private hands.”—*Council Records, vol. VI., p. 185.*

“Oct. 24, 1691. The Committee appointed to receive the bills of publick Credit that are brought into the Treasurers hands on accompt of the publick assessments returning an accompt thereof amounting to the Sum of Ten thousand One hundred, and nineteen pounds nine shillings without advance, for which they have passed their receipt to the Treasurer, and the Bills to that value being brought in, and Burned by Order of Court, this Court do discharge the Said Committee from the Same.”—*Ibid., p. 201.*

Chap. 5. This chapter is from archives, vol. 48, p. 200.

Chap. 6. This chapter is from archives, vol. 88, p. 388. It is recorded in council records, vol. VI., p. 238.

Chap. 7. This chapter is from council records, vol. VI., p. 265.

No action has been discovered on the petition mentioned in the following entry :—

“March 10, 1692. The Petition of Nathaniel Byfield and John Mico, in favour of Jeremiah Tay Commander of the Ship Walter and Thomas for London, now under Confinement on board their Majesties ship the Nonesuch, was read at the Board, and the Council desired his EX^{ty} to take the same into consideration.”—*Council Records, vol. VI., p. 274.*

Chap. 8. This chapter is from council records, vol. VI., p. 271.

The sermon which was preached May 31, 1693, was printed under the title, “The Great Blessing of Primitive Counsellours.” This, of course, was the first election sermon, although the Rev. Cotton Mather preached a sermon before the General Court when it first assembled under the province charter, June 8, 1692. See note to private act, vol. VI., number 16.

Chap. 9. This chapter is from council records, vol. VI., page 273. It is not preserved in the archives.

Chap. 10. This chapter is from archives, vol. 48, p. 210. It is recorded in council records, vol. VI., p. 275.

Chap. 12. This chapter is from archives, vol. 100, p. 429. It is recorded in council records, vol. VI., p. 277.

* The records of the Council referred to in the extracts given in these notes are commonly known as the General Court Records, and the series used is that in the office of the Secretary of the Commonwealth.

1693.

Chap. 1. This chapter is from council records, vol. VI., p. 283. See notes to resolves, 1692-3, chapter 8.

Chap. 2. This chapter is from archives, vol. 113, p. 3. It is recorded in council records, vol. VI., p. 288.

The following is the petition upon which the order was founded:—

"To his excellency the governour and Counsell and generall Assembly of the representatives Convened together the 31th of this Instant may 1693 The humbl petition of the selectmen and Comissionr of the Town of glocester in behalf of said Town humbly sheweth that wheras in the first asesment by reason that the selectmen and Comisionr for the Town for the year 1692 over valluing the Estats of the Inhabetants and Lands of the Town according to the quarter parte of the yearly Income wee far Exceeded our proportion with other places within the province but hoping there would have been no accation to have raised any more money vpon that Tax Considering the Straits of the Country wee Should have been willing to have paid it Chearfully but having vnderstood that there is more raised vpon that Tax and that there were persons appointed by the generall Courte for to regulate each Towns asesment with the selectmen and Comisionr of each Town wee hoped to have had our proportion Equally stated with other Towns but by reason of the Extremity of the weather and Ilnes of one of the County Comisionrs They did not Come to our Town att the time appointed and having appointed another time with our deputy being our Town Comissionr att boston to meet with them att Ipswich he hurt his Lege att boston and did not Come home to his own hous till the tim was past that was appointed by these providances falling out wee had not Comon benifit with the rest of the Towns within the province for our first return to the shear Town being one hundred and fifteen pounds seven shillings and six pene being the rule the Committy acted by att boston being Indeed far above our proportion according to other Towns to that Tax that being doubled vpon wee are sorely opprest having been sence with the Comissioners of the County and have Carried a True List of all heads Lands and ratabl Estats and they Cast it vp according as other Towns was Cast vp to the whole Tax and found the summe to be 68⁴-11⁸-0 so that our wholl proportion to the three to make vp the Thirti thousand pounds would have been but 225³-15-0 but according to the honoured Tresure's warrants they would amount to 396¹¹-17-4 and having Levied the first asesment vpon the Ihabetants which was 115¹¹-7⁸-6⁴ our second part would have been but 68⁴-11-0 and our third parte would have been 41-16-0 according to the aCompt of the County Comissioners Therefore in this Case yours humbly beg and beseech your honours for releife in this our sore distres and beging so much fauour from your honours hands that the honoured Treasurer may be ordared but to send for the proportions which is yett behind as they ought to have been settled which are now returned undar the hands of the Comissioners of the County wee being so poore wee Cannot tell which way to pay the Lesser much more the greater Liueing in a rocky place and but Litle tillage Land belonging to the Town yet notwithstanding wee are willing to the utmost to doe our proportion with the rest of the Neighbourhoode in the province so far as wee are able

And so Committing your honours and all your great affairs to the protection of allmighty god wee rest your humbl servants to Command

Glocester may : 29th 1693

| | |
|------------------------------|-----------------|
| JAMES DAVIS SENER | } Select men |
| WILLIAM STEVENS | |
| JOSEPH ALLIN | |
| THOMAS RIGGS SENR | |
| WILLIAM SARGANT SENR Commisr | |

Read in Council and sent down." — *Mass. Archives, vol. 113, p. 2.*

This order passed the House on the ninth of June, and on the fourteenth the Council passed it in concurrence and it was then consented to and signed by the Governor.

Chap. 4. This chapter is from council records, vol. VI., p. 291, and archives, vol. 100, p. 442.

On the sixteenth of May, 1692, Phips issued his proclamation for the continuance in office of all officers, civil and military, until further order. John Phillips who had been treasurer and receiver-general of the colony of Massachusetts Bay thus held over until June 9th, when he was "nominated, and appointed by the whole assembly, treasurer, and receiver-general, of their majesties' revenue" within the province, "for one year ensuing."

He was succeeded by James Taylor, as appears by the following entries under the dates affixed to them, respectively:—

"June 3, 1693. The Councill, and Representatives by his Excellency's direction proceeded to the Choice of a Treasurer for the Province for the Year ensuing, and presented Mr James Taylor, who had the Major Vote for Treasurer."—*Council Records, vol. VI., p. 282.*

"June 7, 1693. Mr James Taylor being chosen by the General Assembly to be Treasurer of this Province for the Year ensuing, is accepted and approved of accordingly."—*Ibid., p. 284.*

The vote upon adopting the form of oath is as follows:—

| | |
|-------------------------------|--|
| "June 17 th 1693./ | Voted and consented to by the house of Representatives |
| | WILLIAM BOND Speaker |
| <i>die predict</i> | Voted in Councill and past in the Affirmative & |
| | Consented unto ISA ^A ADDINGTON Secry. |

WILLIAM PHIPS." — *Mass.*

Archives, vol. 100, p. 442.

Chap. 5. This chapter is from archives, vol. 113, p. 12. It is recorded in council records, vol. VI., p. 291.

The petition upon which this order was based is as follows:—

“To his Excellency Sr William Phips Kn^t Capⁿ Gen^{rl} and Governor in Chiefe of their Maj^{ties} province of the Massachusetts Bay in New Engl^d and the Hon^{ble} Council and Hon^{ble} House of Representatives for the same now Assembled in Generall Court att Boston

The Humble Petition of John Gardner In behalf of the Inhabitants of Nantuckett —
Humbly sheweth

That Whereas yo^r petiti^or made a List of the pols and Estates of the Inhabitants afores^d, and by order of the Select men of s^d place pursnant to the Tax granted their Maj^{ties} for maintenance of the warr against the french and Indian Enemies, And then p^rsented the same according to the One ffourth part of One Yeares Revenue, butt there being no just rule then Given for the valueing of all Estates, as is Since Ordered And Yo^r petiti^or out of a zeale To goe to the then utmost value, did greatly over value the Estates according to the Rule since agreed on, and Yo^r petiti^or being ordered to goe to the Vineyard pursnant to the obtaineing their List, and Sending A Second List of our owne according to the proportion then ordered by the Court, and their Noncompliance Together with bad weather occasioned the Elapse of Time for the Sending a Second List, upon which this honrd Court saw good to doome us by the first list att three hundred pound w^{ch} is much over our propor^con, as by our present list may appeare. All which yo^r petiti^or do pray this hon^{ble} Courts Serious Considerac^on & amendment whose designe is I believe to doe right and wee willing to pay our full propor^con which I leave to yo^r hono^{rs} Wisdome in w^{ch} wee shall rest satisfied.

And as in duty bound shall ever pray—

JOHN GARDNER in behalf as aforesd.” — *Mass.*

Archives, vol. 113, p. 12.

It passed in the House June 17th, and in the Council June 26, 1693, when it was consented to and signed by the Governor.*

Gardner presented another petition addressed to the Governor and Council, which was read at the Board July 15, 1693, but on which no further action appears to have been taken. It is as follows:—

“To his Excellency Sr William Phipps Knight Capⁿ Generall and Governor in cheife of their Maj^{ties} Province of the Massachusetts Bay in New England & honrd council thereof
The Petition of John Gardner of Nantuckett —

Humbly Sheweth

That Whereas Governor ffletcher, did in the yeare Ninety two, Send a Letter and messengers to our Island requireing our obedience to him or that Governm^t, w^{ch} obliged us forthwith to Send a Sloope with a messenger to his Excellency and Council for their further order in that behalf, The Charge of which came to Nine pounds Five shillings w^{ch} yo^r petiti^or prayes he may have an order to the Treasurer for. Farth^r yo^r petiti^on^r was ordered to goe to the Vineyard in order to obtaine a list of their pols and Estates but could obtaine nought but with the expence of Tenn dayes Time, w^{ch} yo^r petiti^or prayes yo^r hono^{rs} Considerac^on of, and w^{ch} cost him not less then Thirty shillings, and hopes it will not be thought fitt for him to beare it, for our Island say They had no benefitt thereby, and therefore not right for them, which I leave to yo^r hono^{rs} Wisdom. Further o^r people humbly begs yo^r Excell^{ys} and Council's serious considerac^on, That Whereas our Island lyes out att Such a distance and Lyable to all Incursions, and are att Extraordinary Charge for their Defence, the last yeare Two Guñs cost fiteene pounds and before, and still must be att great charge as a fronteer. All w^{ch} wee Leave to yo^r Excell^{ys} and Councils Serious considerac^on and Wisdom, to make us some allowance out of our Tax as may be thought Just

And Yo^r petiti^or as in duty bound shall ever pray —

JOHN GARDNER.” — *Ibid.*,

vol. 100, p. 449.

Chap. 7. This chapter is from council records, vol. VI., p. 294. It is not preserved in the archives. See notes to resolves, 1694–5, chapter 17.

Immediately upon his arrival as governor, Phips took measures to defend the province from invasion by the French and Indian enemy, who, encouraged by the failure of the hostile expedition from New England against Quebec in 1690, were renewing their incursions upon the outlying settlements of Massachusetts. In the summer of 1692, in pursuance of instructions from the Privy Council, and under the protection of a force of four hundred and fifty men from Boston, he rebuilt and greatly strengthened the fort which Andros had erected at Pemaquid. At the same time Major Church, next in command under Phips, led a detachment of this force on a fruitless expedition against the Indian enemy as far east as the Penobscot. Even these demonstrations did not prevent the enemy from renewing their depredations; and it was not until the following year, after Major Converse, at the head of a force of five hundred men, had scoured the eastern country from the Piscataqua to the Kennebec, and, on his return, had constructed a stone fort at Saco Falls, that the enemy made overtures for peace, and finally agreed to a cessation of arms. This was done at the fort at Pemaquid then under the command of Captain John March, to whom the enemy then surrendered some of their English captives. The particulars of this truce were duly communicated to the Council by the Governor, as appears by the following entry:—

“July 7, 1693. His EX^{cy} acquainted the Council that he had received a Letter from Capⁿ March Commander of their Maj^{ties} fort at Pemequid, that Edgeremet an Indian Sachem had lately come thither with a flagg of Truce, and proposed there might be a Cessation of armes, and promised to return in a weeks time, with some other Sachems farther to discourse that matter.” — *Council Records, vol. VI., p. 293.*

* By the province treasurer's account it appears that this amount was abated. — *Mass. Archives, vol. 122, p. 86.*

A treaty of peace soon followed. While preparations were making for the military expedition under Major Converse, tidings were received from New York of a descent of the enemy from Canada upon the Indian allies of the English, along the Hudson. The Governor of New France, having failed to effect a treaty of peace with the Five Nations, set out from Montreal June 25,* 1693, at the head of an army of six or seven hundred French and Indians, to attack the Mohawks or Maquas—the tribe most dreaded by the New-England Indian allies of the French. He passed Schenectady on the sixth of February, and captured, at the first castle of the Mohawks, five men and eight women and children. The second castle was also easily captured. At the third, however, the Mohawks were found engaged in a war dance preparatory to some warlike excursion, and a conflict ensued in which the French lost about thirty men. To resist this invasion Colonel Schuyler promptly collected a force of between two and three hundred men, and on the fifteenth he was joined by about three hundred Indians, but he prudently postponed an advance upon the enemy until he could receive a reinforcement and supplies from Albany. Skirmishes began before the supplies reached him, which was too late to prevent the escape of the enemy. By the twentieth, pursuit of the enemy was abandoned, after the latter had lost eighty killed and captured and above thirty wounded. Three hundred friendly Indians were taken prisoners by the enemy, and Schuyler lost eight men, whites and Indians, killed, and twelve wounded. Governor Fletcher was promptly notified of the approach of the enemy, and as promptly responded. Fortunately, the river was open, and he succeeded in reaching Schenectady on the seventeenth with three hundred volunteers, having embarked his force at New York within two days after receiving notice of the invasion. After the retreat of the enemy, Fletcher despatched a messenger to carry the news of the invasion to Massachusetts.†

By virtue of his authority over the militia of Connecticut, Phips made a requisition upon the Governor and council of that colony for what he deemed a proper quota of men for the eastern expedition, and also for a proportionate detachment to aid in repelling any attack upon Deerfield, which was peculiarly in danger. The following is the letter from Phips communicating this requisition:—

“Honble Gent^{re}”

I have this day Rec^d a Letter signed by Three new York Gentlemen forwarded by Coll: pincheon, w^{ch} gives an Acc^t of their news concerning y^e Attack y^e french & french Indians have made vpon the maquas but have reason to think y^r stay will be short in those parts & Gov^r fletcher^s preparations for Albany hope will secure y^t post & be an encouragement to the freind Indians wee have reason to expect an Attack from the enemy in our eastern parts w^{ch} wee are in some measure provided to withstand by our Garrison souldiers posted at divers places And have been Kept in pay the whole year at our great charg,

I Judg it necessary y^t y^r be some souldiers detached & sent to secure Dearfeild & have left it to Coll: pincheon &c who are writt to & instructed to waitt on & Treat with your selves in y^t matter, as allsoe refering to an expedition yt is indged necessary to be made to the Eastward with all speed to give a check to the enemy & in perticuler to prevent their planting & fflishing this spring w^{ch} besides y^e 4 or 500 men wee have in sevr^r gar-risons, Beleave should be raised 4 or 500 more able Brisk men for a fflying army, And Doe therefore for this their majesties service desire ‡ expect yt you would not fail, but be assisting to vs therein If there were no obligation lay vpon you wth respect to their majes-ties Royal Comission to my selfe, yet hope you will not be soe vnmindfull of your old neighbours & fellow subjects as not to be willing to give your help you being sensible how vnsupportable the charg of this warr is to vs;

This Army for y^e end afores^d desire & shall endeavour may be ready to advance from hence by the Latter end of march at the farthest, Therefore flail not of sending 100 English & 50 Indians theire sutable men to be ready here at the time for y^e design proposed, They shall not be Kept long out, Lett me Know the persons you thinke sutable for officers shall give them Comissions for this service, ffor provisions &c hope you will take care, w^{ch} if you cannot doe in season wee will provide you makeing good the value wee shall advance in money or provision to vs again. Expecting your speedy answer and ready compliance with this reasonable demand, wishing you all happiness. I am

Boston Feby 24th 1692/3

Gent^{re}

Yor^r Loving Friend

W Phips

Gov^r & Council of Connecticott.” — *Mass. Archives*, vol. 2, p. 212.

Before a reply to this letter had reached Boston, Major John Pyncheon, who, with Captain Aaron Cooke, had been appointed a commissioner to convey the Governor's requisition to Connecticut and to arrange the details of the Connecticut quota, made the following report to the Governor:—

“May it Please yo^r Excellency

Yors^{rs} 1st y^e Post, Rec^d, ordering me, wth Cap^t Cooke to waite vpon the Gent at Hartford, & vrge y^e contents of yors^{rs} to their Gov^r & council, referring to y^e expedition to y^e eastward, & for securing Dearefeild. according to yo^r Excellencys command I spedly

* Colden (*History of the Five Nations*), and Smith (*History of New York*), after him, say the fifteenth; but Charlevoix gives the above more probable date. The difference may, however, be accounted for by supposing Charlevoix to have used the New Style calendar.

† “Feb. 24, 1692-3. His Excellency laid before the Council a Letter received yesterday by Post from New Yorke, under cover from Major Pyncheon, giving intelligence of the French & Indian Enemy being come over the Lake, and having posses^t themselves of two Castles of the Mohawks.

Ordered. That Mr Treasurer pay unto Major John Pyncheon the sum of Three Pounds, Ten shillings, advanced by him for the payment of Posts dispatched for their Majties service on the publick occasion; and do likewise pay Josia Beamount now come Post from Spring field with Intelligence of the French and Indians being come over the lake and falling upon the Maqua's

WILLIAM Phips.” — *Exec-*

utive Records of the Council, vol. 2, p. 226.

‡ *Sic.*

addressed my selfe to observance thereof, & ready attendance of sd^t service: for vnderstanding y^e Gov^r of Conecticot (y^t had Just before bene at Hartford) was gon hom to Milford; to expedite y^e affaire, I p^rsently y^e 27th day of Febr^y being y^e day I Recd yor Excellencys comands, sent Post to Hartford, giving Colon^l Allyn an accot of y^e busyness, & of my Intent (as soone as it was Possible for their Gov^r & Gent^l to be together) to waite vpon them on thirsday March y^e 2^d, knowing their Gov^r could not haue notice & reach Hartford sooner, also same day sent to Hadly to Capt Cooke to be wth me in order to or Joint attendance of y^e service, when we went to Hartford, where we were before their Gov^r gat thether, though in y^e evening he came, when immediatly I p^rsented him wth yor Exel^r letter, who appointed vs, y^e next morning to discourse y^e busyness: accordingly we waited vpon them, & vrged y^e contents thereof by. 4. or. 5. several enforcing argum^{ts} (as we deemed) winding vp al (besides y^e reasonableness of y^e demand) wth y^e necessity of their compliance, wth respect to y^mselves, in regard of y^e kings commission, for Sr W^m Phips, his commanding y^e Militia of Conecticot w^{ch} spake to loud to admit of delay or any Hestitancy in y^e matter and I p^rceive it had its operation vpon some of y^e several Gent^l there for y^e Gov^r had called y^e Gen^rl Court, w^{ch} made or attendance y^e Longer, even .6. days we waited to gaine an answer to yor Excellencys letter, & w^t we had according to Instructions p^rposed as to y^e affaire, when at last they came to this Result, That they would send Two Gent^l of their owne to Boston to waite on yor Exce^t By whom these lines come, who wil (at least I desire they may) give yor Excellency & Council sattisfaction They being more willing to Raise Money to beare their p^rportion of y^e charge of this easterne expedition, Then to send men so far; But as for Dearefeild, (concerning w^{ch} we moved in y^e last place, y^t it might be noe clog to y^e easterne desigue or stop of their Joining to make vp so necessary a flying army :) They readily granted men for securing That Post: .40. or. 50. men to garrison y^e vpper Townes when they should be called for, & .150. men more in readyness to March vppon notice of need of them w^{ch} in regard y^e French y^t assaulted y^e Maqvas Forts are returned hom, & p^rbably the spring or winter now breaking vp at Canida, wil not allow y^m to stir againe til about May: I Did not Insist to haue y^m Presently Post away their men to Dearefeild: Also because though Conecticot wil furnish wth y^e men & be at y^e charge of their wages, yet wil not of their Dyet (as they say) w^{ch} Dearefeild I doubt cannot furnish y^m wth their corne last yeare being destroyed by y^e wormes &c Provisions wil not be had wthout sending it fro^m y^e next Townes though Possibly some meate or few barrells of Porke w^{ch} are scarce may be in Dearefeild, yet they belong to p^rticular p^rsons who wil Quickly Transport y^m away (wthout yor Exce^t order for stopping y^m w^{ch} I conceive necessary) & then p^rvisions wil be wanting for soldiers Posted thether Now is y^e season to secure meate there & p^rvent charge afterward, & It wil be more easy bec: mens Rates there may be appointed to pay y^e owners of such Porke (If any be) p^rvided yor Exce^t give orders, w^{ch} I only suggest: I feare I am to tedious & not being willing to offend yor Excellency shal forbear further p^rticularizing being assured y^{ou} wil fro^m Hartford Gent^l Have al y^t is needful for me to add. As also an accot concerning y^e French y^t came to y^e Maqvas Forts, who are returned wth their Indians (among whom were 30. easterne Indians) Having lost. 25. french & their Indians, y^t were killed by Major Schuylers men & although y^e French marched off wth 250 Maqvas yet they are al recovered, & got hom only y^t y^e Maqvas haue their forts & wigwams burnt Downe. Please to let me vnderstand whether y^{ou} would haue me hasten y^e Posting those soldiers fro^m Conecticot to Dearefeild & how they shal be p^rvided for, I wil Indeavor exactly to attend order in hastning y^m for I am in Paine least my good husbandry in delaying y^m (to ease y^e countrys charge) should p^rve of any dangerous consequence, w^{ch} I shal be ready to Rec: check for, & to make amendm^t by hastning y^m vpon y^e least Intimation: Purpose next weeke to visit Dearefeild to Incourage y^m & vnderstand their state when shal further consider w^t may be necessary & forward vigorous & careful scouting.

Yor Exce^t caution & direction as to y^e readyness of y^e Militia in this regim^t I accept wth greate thankfulness & al due acknowledgm^t of care for or p^rservation, Have bene, & am in attendance therevnto & shal p^rceed according to my vtmost Indeavors, a greate want wth vs & y^t w^{ch} disheartens some soldiers is y^e scantness of Powder

If yor Excellency would Please to send. 2 or. 3. barrells of Good Gun Powder & some Bal (w^{ch} I would Indeavor to secure p^rserve & husband to advantage) it would quicken & enliven some soldiers sp^{ts} craving yor Pardon, wth y^e tender and p^rstrating of al humble service, I am

Yor Excellencys

Springfeild

Faithfull servant

March. 8th. 1692/93.

JOHN PYNCHON

For their Maties Service

To his Excellency Sr W^m Phips Kn^t Cap^t General & Gov^r in cheife in & over their Maties Province of y^e Massachusetts Bay: in Boston: /

To be forwarded by y^e constables of Brookefeild, Marlborow &c: for their Maties Service." — *Ibid.*, vol. 51, p. 17.

The response of the governor and council of Connecticut to Phips's requisition was communicated in person by the messengers referred to in the above letter. It ran as follows: —

"Whereas his Excelency Sr W^m Phipps was pleased to acquaint the Gouern^r & council of The Colony of Conecticut, of his desigue in Sending fwe hundred men to the Eastward to disrest the Indians & prevent their fishing & planting their, Like wise of some men to garison the fronteirs in the County of Hampsheir upon Conecticott riuer, the Gouern^r & Gen^rl court haue considered the same, and impowered us whose names are under writen, to informe his Excelency & council that they haue agreed to send forty or fifty men to Garrison in Hampsheir as their shall be need, & one hundred & fifty more upon any Exigency

And also that they will advance four hundred pound in provision pay as it rises in our rate the next year to be paid in that Colony to his Excelencys order In case the sd^d desigue be prosecuted: / Which we hope Gent^l will be accepted as an Euedent demonstration of

our readiness to defend thire Majt^{ies} Intrest to Comply wth his Excelencyes desire and for the securing our Bretheren & fellow subjects/

Boston, March 15th 1692/3

NATHL STANLY

WILL WHITING." — *Ibid.*, vol. 2, p. 213.

The Governor resented this tender of the government of Connecticut, as being less than that colony was bound to contribute. The following is his answer:—

"Gent."

Cap^{ne} Stanley and Cap^{ne} Whiting two Gent^l from yo^r selves have attended here, referring to my demand of assistance of men and money from yo^r Colony for the prosecution of the War against the common Enemy. And the proposals made by them (which they say extend so far as their Instructions will allow) are so mean and low as they can by no means be accepted, they proposing only to Enforce the Frontiers in Hampshire with Forty or Fifty men, Provisions for their Subsistance to be found at the charge of this Province. and one hundred and Fifty more to be in readiness to give them further assistance upon any attack As also the advance of Four hundred pound in Provision pay as it rises in the Rate of your Colony the next yeare, to be paid in the Colony, which will not make here one half of the Sum proposed by your Gent^l Certainly yo^r Limitation of them to such a narrow, cannot be your Interest ~

It is their Majt^{ies} just Expectation and you will find it accordingly directed that their severall Governm^{ts} do bear an equal proportion of the common Charge of the war both for men and money. And pursuant to their Commands unto my self. referring unto your Colony, I shall expect it accordingly —

Boston March 16th 1692/3 —

Your Loving Friend

W. PHIPS." — *Ibid.*

Less than four months after this correspondence, attention was again called to the perilous situation of the settlements on the Connecticut River, by a tragedy enacted at Deerfield. On the night of the sixth of June, seven of the inhabitants of that town were murdered in their houses, by Indians. There had been a camp of Indians in the vicinity for a month or more, but as these were supposed to be there only for trade, and to belong to the friendly tribes, no precautions were taken against violence from them, nor would they have been suspected had not some of the wounded identified three of them as the murderers. These three were arrested, but only two were held on the charge of murder, the third having been discharged by the local magistrates. The first action of the government at Boston in relation to this affair is shown by the following entry in the records:—

"June 15, 1693. Letters being received from the County of Hampshire, giving an account of a Barbarous murder lately perpetrated upon Several persons in the Town of Deerfield by Indians, and that some of the Maqua's were Suspected to be the actors thereof, and taken into Custody; Major Pyncheon by Order of His E^xcy and Council set forward on his Journey homewards being directed to gain a particular, and full Information of that matter, and to report the Same unto His E^xcy with what speed may be

And His E^xcy the same day forwarded a Letter by the Post unto Gov^r Fletcher to advise him thereof, and to desire him to write unto the majestrates at Albany, to enquire into the Same, that no Just Provocation might be given to the Maqua's." — *Council Records*, vol. VI., p. 289.

The Indians arrested were Maquas or Mohawks, whose friendship the whites were anxious to retain, and they and their New-York neighbors protested their innocence, and charged the offence upon either Indians from Canada, or the "Shaticooks" of the upper Hndson, a remnant of old New-England tribes who were hostile to the English. This declaration, so far as it implicated the Canadian Indians, was confirmed by circumstances which appear in the following correspondence; hence there was a strong disposition on the part of the government at Boston to regard the case favorably, and to free the captives unless their guilt should appear so manifest that to condone it would be a flagrant violation of duty. The Mohawk nation, as well as the governor of New York, seem to have been sincerely convinced of the innocence of the two Indians (who, in the mean time, had been committed to jail in Springfield), and were clamorous for their release. This rendered the situation still more grave. The following extract from a letter to Secretary Addington, by Major Pyncheon, gives a view of the situation towards the end of June:—

"Springfield June. 28th 1693

Hon^{ble} Sr

I have bene so Immployed in Publike service since I came Hom That til now, I could not Im^pve any opportunity to Render yo^r my due acknowledgm^t of al yo^r late (as wel as former) kindness & respect, wherein I haue so plentifully shared, most deservedly calling for my real thankfulness, w^{ch} yo^r acceptance off, wil secure me, from y^e Taxation of Ingratitude, & be an obligation vpon me to study wherein to serve yo^r

According to my ability, I haue not bene wanting to get an vnderstanding of y^e state of affaires here in reference to y^e Indians & Murder at Dearefeild: w^{ch} as my time allowed, I made report of to his Excelency (al w^{ch} I know you are fully acquainted wth) at same time, Major Wessells* hasting his return, By reson of my dispatch of him & w^t was necessary to Gov^r Fletcher, I was enforced to contract, yet mind not any thing material y^t I neglected. The .2. Indians one a Maqua & y^e other an Albanian, whom I verly suppose are gilty in y^t Murder, are in safe Custody, I desire a sutable time, & Gent^l comissioned, be appointed for their Tryal & w^{ch} Please to lay before his Excelency. The .3^d Indian put into o^r Jaile before I came hom, Nothing appeareing ag^t him, But his saying he would kil .20. English, evedenced by one single man only, who says y^e Indian was in Drink when he sd it, w^{ch} was sometime before y^e commotion at Derfeld & he minded it not til that Disturbance; He & others saying also, y^t This Ind: always caryed it wel:

* Dirk Wessels of Albany, who seems to have accompanied the Maquas to and from Deerfield, probably as a partner or manager in trade.

The Indian saying He knows not y^t ever he spake such words, & If he did, he was in Drink & was sorry for y^m. He is discharged & set at Liberty (the Gent^l y^t committed him Judging it best; Colonel Allyn & capt Stanly (who were here) also advising to it) & went away to Albany wth Major Wessels & those .6. Indians (one a Maqua Capt) who came wth Major Wessels, so y^t they wil see (though this Indian wel deserved Imprisonm^t yet) we are not desirous to put any needlesly vpon their Tryal. They would haue bene glad we would haue discharged y^r other .2. setting forth y^e good service y^e Maquas &c haue done, endeavoring to vindicate al their Indians, & their being in good termes wth y^e English, saying they disclaime this Murder & are not guilty But y^t it was done by y^e French Maquas: & therevnto they Im^pve y^e sight of some wodden swords or Mauls y^t were found where o^r People were murdered w^{ch} had marks & signes on y^m as evedences y^t al was done by y^e French Ind: To w^{ch} we Replyed, such things might be to collour their wickedness, & y^t y^e Positive assertions of dying p^{er}sons were so express as could not anticipate y^e legal Tryal of those p^{er}sons from w^h they were charged wth And so they left off: desyring we would deliberate & he ire againe from Albany before p^{ro}ceeding to their Tryal. I told y^m o^r Gov^r was very cautious of giving any Just p^{ro}vocation, wherewth they seemed wel satisfied, Telling vs y^e Indians Including y^e .5. nations Hold firm their friendship wth all their Maties subjects Desyring we would (as they terme it) hold y^e cov^t chaine fast Gov^r Fletcher Intends a Present of .5. or 600^l for y^e .5. nations, to Ingage y^m to vigorous p^{er}secution of y^e War ag^t y^e French & french Indians, w^{ch} was to be d^{ir}rd vpon Major Wessels return hom, who is a grt man wth y^e Indians: They tel me there are some p^{er}tys of French Ind: come over y^e lake, reckne o^r Towns in much hassard being so open &c: say y^e French are in grt want of p^{ro}visions some of theirs lately come hom fro^m Canida brought in .3. scalps & more they expect dayly. If any further acco^t be to be had fro^m Albany I suppose we shal have it next weeke or y^e begining of y^e weeke after, for Major Wessels s^t, they should send againe, & desyrd I would take care their Indians might come safely, for we haue noe Indians left, al being gon off vpon y^t disturbance here & their corne neglected." — *Mass. Archives, vol. 30, p. 328.*

Fletcher, having contemplated the renewal of friendship between his government and the Maquas, took advantage of the affair at Deerfield to get these Indians to agree that Massachusetts should be made a party to the treaty. The entire correspondence between Fletcher and Phips on this business is not preserved, but the following extracts from the council records, and from a letter by Phips to Fletcher dated the thirteenth of July, show the progress of the treaty to that date:—

"July 7, 1693. His Ex^{cy} laid before the Council a Letter from Gov^r Fletcher received the 4th Currant with the inclosed Examinations relating to the murder, perpetrated at Deerfield, and his answer thereunto." — *Council Records, vol. VI., p. 293.*

"July 10, 1693. Barthô Gedney, Elisha Hutchinsoⁿ, John Walley, and Nathaniel Thomas Esq^{rs} are nominated to joine with such Gentlemen as shall be appointed by the House of Representatives as a Committee to draw up a Letter to Govern^r Fletcher, referring to the Sending of messengers to Albany to treat with the Maqua's, and Sennaca's." — *Ibid., p. 294.*

"July 13, 1693. His Ex^{cy} this day dispatched a Letter to Gov^r Fletcher as to the intendment of sending some meet persons to wait upon him for his advice, direction, and assistance towards proceeding on a treaty, with the Maqua's concerning the murder perpetrated at Deerfield, whereof some of that nation stands charged, so as to bring the Same to a good Issue, and to manifest our good liking, and firm adherence on our parts unto the League lately renewed with them &c

As also to advise him of the Suprizing of upwards of one hundred Frenchmen landed on the backside of Sandwich, and that their maj^{ties} Frigatt the Nonesuch had taken the ship, and the remainder of the men left on board her, being a French Privateer from Petit Guavers."* — *Ibid., p. 297.*

"In my Let^r of the 4th past I omitted my Acknowledgment of yo^r goodnes & Generosity In the comprehension by the Late Renuall of the League with the maquas therefore doe by these manifest my Thanckfulness for the same on the part of their maj^{ties} subjects of this provinc Acknowledging myself obleidged at all times to Indeavor the utmost serviss for their maj^{ties} & their subjects I Assured yo^r Ex^{cy} that I was very senceible of the difficulty of the case Relateing to the maquas charged with the murder perpetrated at deerfeild and the Ill consequences that might Attend any wrong step therein—therefore Haveing Advised with my councill Intend to send meet persons to wait on yo^rself at new yorke for yo^r Advice direction and Asistanc towards their proceeding on a tetry with the maquaes Concerning that Affaire soe as to bring the same to a good Issue & to manifest our good Likeing and firm Adhereanc on our parts unto the League Lately Renued with them & to make some proposals Relating to o^r Indian Enemies at the Eastward In all which thes Gentlemen sent with the tender of my Respects are to consult with yo^rself and Receive yo^r Advice & direction wherein I Request yo^r favor that a Right understanding may be Had Between their maj^{ties} subiects of this province and the maquaes soe that noe discontent Arise & yet that Justice may proceed In the triall of the persons accused of the murder." — *Mass. Archives, vol. 30, p. 330.*

Pending this correspondence the vote which constitutes this chapter was passed.

The next letter from Phips to Fletcher, dated July 26, 1693, shows that the Governor and Council had ordered the release of the prisoners. The following is an extract from this letter:—

"Sr

In mine of the 13th currant I intimated unto yo^r Ex^{cy} that I intended to send some meet persons to waite on your selfe at New Yorke for your advice, direction and assistance in order to a treaty with the Maquas relating to some of that Nation taken into custody

* Le Petit Goave.

on suspicion of the murder committed at Deerfield. and to Endeavour to bring that affaire unto a good Issue &c^a

Since which I have a letter from Mr V Cortlandt and Col^o Bayard at Albany with the Deposition of one John Baptist Van Eps late Prisoner in Canada, relating to the marks and figure upon the Clubs found at Deerfield. and advising upon the severall Examinations and Evidences relating to that murder have ordered Major Pyncheon to dismiss the two Indians taken into Custody and to direct for their safe passage home, withal to send a Copy of my Letter to him unto the Mayor of Albany for the better satisfying of the Indians —

I have also received a Letter from the Commander of Pemaquid ffort giving me account that Moduckawando with several other of the Eastern Indian Sachems have lately been in there with a Flagg of Truce, and moved that the war be brought to an end manifesting their Earnest desire of Peace, proposing to come thither again by the 10th of August next to meet such persons as shall be appointed by my selfe to discourse them about that matter, and have agreed to cease all acts of hostility in the interim —

Upon Consideration whereof It's thought advisable that the Gent^y designed to have waited upon your Excellency be delayed until that meeting be over the Issue of which yo^r Ex^{ty} shall have an acco^t of, which may occasion the altering of former measures proposed' — *Ibid.*, p. 335.

At the same time Phips wrote as follows to Pynchon:—

"S^r:"

I have communicated unto the Council your several Letters referring unto the two Indians in custody within your County on suspicion of being Actors in the murders lately perpetrated at Deerfield, As also what I have received from Gov^r Fletcher Mr V. Cortlandt and Col^o Bayard of the several Examinations and Evidences taken concerning that matter particularly the Deposition of one John Baptist Van Eps late Prisoner in Canada of his knowledge of y^e markes and figures upon the Clubs found at Deerfield and the persons that bear the same being of the Enemy Indians of Canada. The Council have likewise perused the Examinacōns and Evidencies taken from the wounded people being chiefly what others report to have heard them say, and not directly from themselves, besides that it's much doubted whither they were of sound mind and upon Consideration of the whole, are of opinion, the Indians cannot be convicted by those Evidences advising that they be dismist if no further material Evidence appeare against them, which I accordingly order. and that care be taken that they pass homeward without any violence being offered them, yourselfe directing to the most probable way for their secure passing and send a Copy of this my L^re to the mayor of Albany for his better Satisfaction in this matter.

It is of great concernment to the whole of their Maj^{ties} Interest in these Territorys that the English be in good Termes with the Maqua's &c. at this Critical hour, when they are so much solicited to go over to the side of the Enemy, and that no just provocation be given them for a rupture. As all caution ought to be used that no murtherer Escape Justice so it being plainly Evident before hand, that these Indians cannot by this Evidence be found guilty upon Tryal, it's thought most advisable, all circumstances considered to dismiss them, without, and to avoid the inconveniences that may ensue their being longer detained which (the Indians not understanding the formalities of Law) may improve to disaffect them to the English Interest. I am

Boston July 26th 1693.

Your humble serv^t

[W. PHIPS.]

To the Hon^{ble} John Pyncheon Esq^r. — *Ibid.*, vol. 51, p. 21.

This appears to have been a happy termination of all ill feeling between the Mohawks and Massachusetts up to that time;* but the captive Indians did not wait to be released, as is shown by the following extract from a letter by Pynchon to Governor Phips:—

"Springfeild July 29th 1693

May it please yo^r Excelency

I have not yet had opportunity to acquaint yo^r Excel^{cy}, of y^e. 2. Indians being gon til now: w^{ch} first offers it selfe as followeth The. 2. Indians in custody vpon y^e acco^t of y^e Murder at Dearefeild escaped out of Prison July 27th when in y^e morning I p^rsently sent out about. 20. men to search after & p^rsue y^m, some of w^{hom}, finding their Tracks Just across y^e streete fro^m y^e Prison house followed y^m for nere halfe a mile finding they bent North-erly, but coming into y^e Bushes could noe Longer follow y^m, & so returned, tho y^e Jaylor spent al y^e day, & sent to y^e next Townes &c The manner how they fitted for an escape is evident to be by some File or Files conveighed to y^m (as is supposed) by some Indians y^t might secretly & vnkown (we having none here vnless by stealth) put y^m in to y^m in y^e Night, for it is very plaine & evident their chaines were cut by some sharp thin file like a knife, or some Thin steele chissell they being as smooth as may be, where they are cut asunder, & very narrow y^t it was some very thin Instrum^t, when by this meanes they had got y^mselves at liberty in y^e Roome, they pulled out some stoones & got to y^e foundation & so crep out & are gon, p^rbably Irrecoverably, vnless sending to Albany may Recover y^m thence, w^{ch} is submitted to yo^r Excelency." — *Ibid.*, vol. 30, p. 336.

Pynchon and Cooke, jointly, received for their services and expenses as commissioners to Connecticut the sum of eight pounds ten shillings. This was voted by the Council July 26, 1693, and the payment is charged in the province treasurer's accounts.†

As the treaty was concluded July 6th, and as it does not appear that the commissioners Winthrop and Pynchon were paid for their expenses and services at Albany, it is likely that the Massachusetts commissioners under this appointment did not act.

* The treaty, negotiated between June 15th and July 6, 1693, is given in full in "Documents Relating to the Colonial History of the State of New York," vol. IV., pp. 38-47.

† Archives, vol. 122, p. 23, and Executive Records of the Council, vol. 2, p. 246.

Chap. 8. This chapter is from archives, vol. 100, p. 444. It is recorded in council records, vol. VI., p. 296.

This vote passed the House June 17, 1693. On the thirteenth of July it passed the Council and was consented to and signed by the Governor. See notes to resolves, 1693-4, chapter 1, and 1695-6, chapters 20 and 53.

The following is the resolve of the House for the appointment of the committee mentioned in this chapter, together with the minute appended thereto of the choice of said committee:—

“Resolved, *Nemine Contradicente*. That there be a Committee of this house chosen and appointed by this house to demand an Acco^t from John Phillips Esq^r, late Treasurer of this Province how the money Granted and levied since his Excellencies Arivall has been Applied & disposed and to Inspect and Examine the Acco^t, Receipts, and disbursements of the said Treasurer and to Report the Same to this house, and that the said Committee do advise and Represent to this house if any moneys have been Expended by the said Treasurer which have not been drawn out of his hands by order from the Gov^r and Council—or if any money Granted Since his Excellencies Arivall has been applied to any Publick Charge Contracted before his Arivall

June 7th 1693 8th day The Committee chosen hereon are Capt Townsend, Capt Sprague, Capt Foxcroft, Capt Dudley, Capt Byfield, Capt Leonard, Capt Thatcher, m^r Jahleel Brenton or any five of them.” — *Mass. Archives*, vol. 100, p. 435.

As first reported to the House, where the vote which constitutes this chapter originated, it seems to have been in the form following:—

“Voted That John Phillips Esq^r late Treasurer of this Province have the sum of five hundred pounds allowed him as a Recompence for his Service as Treasurer for the Colony of the Massachusetts from the 18th of April. 1689. until the 14th day of May. 1692. to be allowed him upon making up his Acco^{ts} [and laying them before this house at the next sessions] in full of his service and Accompts about the Treasury for the time aforesaid.” — *Ibid.*, p. 436.

Apparently the first amendments offered were to substitute “Recompence” for “gratuity,” and to strike out the words above enclosed in brackets. Before the vote was sent up to the Council for concurrence, it passed the House as follows:—

“Voted That Jn^o Phillips Esq^r late Treasurr, of this Province have the Sum of five hundred pounds allowed him, as a gratuity for his service as Treasurer for the Collony of the Massachusetts, from the, 18th of April 1689, untill the 14th of May 1692, to be allowed him upon making up his accounts, & delivering Coppys thereof unto the Committee appointed by this House to receive the same. & S^d Sum to be in full for all service & Charges about the treasury for the time afore s^d

Past in the affirmative Ordered to be sent up to y^e Gov^r & Council for their Concurrence & Consent herein
June 13th 1693

WILLIAM BOND speaker.” — *Ibid.*, p. 440.

Chap. 9. This chapter is from archives, vol. 100, p. 445. It is recorded in council records, vol. VI., p. 296. This vote passed the House June 13, 1693, and on the thirteenth of July it passed the Council and was signed by the Governor.

It thus appears that Phillips continued to perform certain functions of his late office for nearly a month after Taylor had succeeded him. The vote allowing him for his services having passed in concurrence two days later than the following vote of the House, it is to be presumed that he complied with the requirements of the latter vote between the eleventh and thirteenth of July, from which latter date Taylor appears to have had exclusive control of the office:—

“July Voted that Mr James Taylor Treasurr of this province doe immediately Enter upon & proceed to the Execution of the s^d office to w^{ch} he is chosen & sworn in the Receiving the publick Debts from the severall Constables and in paying such Debts as shall be Regularly Ordered out of the Treasury and that Jn^o Phillips Esq^r the Late Treas^r of this province doe wth all convenient speed deliver to the s^d Mr James Taylor a true and fayr Lyst of the publick Debts and Credits & also doe pay to him what sumes of money are now in his hands of the Publick stock and that the said John Phillips doe from henceforth surcease acting or Intermeddling as Treasurr of this province

July 11th 1693 Resolved in the Affirmative

WILLIAM BOND Speaker.” — *Mass.*

Archives, vol. 100, p. 450.

Chap. 10. This chapter is from archives, vol. 100, p. 447. It is recorded in council records, vol. VI., p. 298.

Notwithstanding the action of the General Court, June 30, 1692,* in appointing a joint committee to audit and adjust all former accounts of debts owing from the late colony of New Plymouth, and the authority then granted to commissioners to adjust and settle the accounts depending between the two colonies, the House deemed it necessary to take further measures to procure a full account of the disposal of the rates and taxes levied in Plymouth Colony during the provisional government that followed the administration of Andros. Accordingly, early in the first session of 1693, the following resolve was passed by the representatives:—

“Resolved, *Nemine Contradicente* That there be a Committee Consisting of such members of this house which belong to the late Colony of Plymouth to be appointed by this house to demand an Acco^t from Barnabas Lathrop Esq^r John Walley Esq^r — Lt Isaac Little—late Treasurers of the said Colony how the Severall Rates and taxes granted & levied in the said Colony Since the 18th of Aprill 1689 till the Arrivall of his

* Resolves, 1692-3, chapter 3.

Excellency S^t William Phips have been Applyed, and disposed and that they doe Report the same to this house." — *Mass. Archives, vol. 100, p. 439.*

To the copy of the above resolve is appended the following memorandum, dated June 7, 1693:—

"The Committee Chosen hereon are Capt Byfield, Capt Leonard, Capt Thacher & m^r Jahleel Brenton or any three of them." — *Ibid.*

On the day before the passage of the present chapter, the House sought to enlarge the authority of the above committee by the following vote which they ordered to be sent up to the Governor and Council for their concurrence therein:—

"Voted that the Co^mmittee already appointed by this house to Demand & Receive an Acco^t from Barnabas Lothrop Jn^o Walley Esq^rs & M^r Isa^a Little late Treas^rs of the Colony of New Plym^o of all the Rates & Assessm^{ts} Collected & Levied from the 18th of Apr^l 1689 till the 14th of May 1692. be hereby further Authorized & Inpowred to take acco^t of the Publick Debts & Creditts of the s^d Colony & of the Paymts of any persons for any sumes of money due from the s^d Colony & to make Report thereof to this house y^t if any thing appear to be due from the s^d Colony provision may be made for y^e Raising of it & that this may be Completed with by y^e 14th day of Octob^r next /

WILL^m BOND Speaker." — *Ibid.*, p. 446.

1693-4.

Chap. 1. This chapter is from council records, vol. VI., p. 303. The order related to a single entry in the province treasurer's account, but the amount allowed was the sum of several items which had been already approved by the Governor and Council. The following entry shows the period covered by this account, the further proceedings on which are given in the note to chapter 16, *post*:—

"Nov, 13, 1693. John Phillips Esq^r late Treasurer laid his accompts of the Treasury since his E^xc^{es} arrival before the assembly." — *Council Records, vol. VI., p. 303.*

Chap. 3. This chapter is from archives, vol. 11, p. 78. It is recorded in council records, vol. VI., p. 304, and from the entry of the title of this vote as a "bill" it was supposed that it had been engrossed as an act; and hence it was included in the public acts for this year, as chapter 16. It has since been discovered to have been only a vote, and it therefore takes its proper place here among the resolves, etc.

The dangers from which King William had been preserved were the conspiracy against his life by the Chevalier Granville, in Flanders, in 1692, and his exposure, in the summer of 1693, at the disastrous battle of Landen, which at first was reported to be a victory.

The mortal sickness, apparently the yellow fever, the stopping of the spreading of which is mentioned in the proclamation as a cause for thankfulness, was brought in the fleet under Rear Admiral Sir Francis Wheeler, which unexpectedly arrived at Boston from Martinique on the eleventh of June, 1693. This fleet had been sent out by the home government to coöperate in a movement by the colonial forces against Canada, for which, however, owing to delay of the despatches sent to New England in February, no preparations had been made beyond the military operations described in the notes to resolves, 1693, chapter 7.

The following is Hutchinson's account of this unfortunate enterprise:—

"Repeated applications had been made for a naval force to be sent from England, sufficient in conjunction with land forces to be raised in New England and New York, for the reduction of Canada, but without success; other affairs of the war not permitting this, though deemed important, to be engaged in. In 1692, it was resolved there should be an expedition the next year. A fleet was to be employed in the winter, in reducing Martinico, and, having performed that service, was to go to Boston, there to take on board a body of land forces under Sir William Phips, and so proceed to Quebec. Had Quebec been the only object, and reasonable notice given to the colonies, there was reason to expect success. By the fleet's going to the West Indies, the whole design was blasted. If sickness had not weakened them, the force would still have been insufficient for the reduction of Martinico; but the mortality was so great, that before Sir Francis Wheeler, the commander in chief, came to Boston with the fleet, June 11th, he had buried 1300 out of 2100 sailors, and 1800 of 2400 soldiers. It may well be supposed the admiral had done with the thoughts of the Canada expedition. The land army, perhaps, might have been recruited, but a supply of seamen could not be obtained. Besides, not the least preparation had been made, he brought the news himself of his proposed attempt. . . .

The distemper, which had been in the fleet, spread in Boston and was more malignant than ever the small pox had been, or any other epidemical sickness which had been in the country before; and many families left the town & resided in the country, until the infection ceased." — *Hist. of Mass., ed. 1767, vol. 2, pp. 70-72.*

The following entry shows the measures taken by the Council to prevent the spread of the infection:—

"June 12, 1693. The Hon^{ble} S^r Francis Wheeler Kn^t being arrived Yesterday with their Maj^{ties} Ships of warr, and Forces under his Command being sorely visited with Sickness, and his Ex^{cy} having Ordered accomodations for the receiving, and entertaining of them upon Long Island, to prevent the spreading of the Infection among the Inhabitants His Ex^{cy} and Council emitted, a Proclamation forbidding all persons other than such as are, or may be especially Licensed thereto by his Ex^{cy} to go on board any of said Ships, or upon the Said Island &c^t or to receive, harbour, entertain, conceal, or have any intercourse, with any of the Officers, Mariners, Souldiers, or other belonging, unto, or brought

in any of the Said Ships or Vessels, until his E^xc^y and Council shall otherwise order on paine of being proceeded against with utmost Severity for their Contempt

WILLIAM PHIPS." — *Council*

Records, vol. VI., p. 286.

The successful operations in the eastern country, under Major Converse, were not interrupted by the plans of the ministry. At the solicitation of the Admiral, the Council advised against attempting to attack Quebec, in view of the lateness of the season and of the reduction of his force by the fatal distemper. They, however, advised his return by way of Canso and Newfoundland in the hope of taking prizes there from the enemy, and recommended that a new expedition be sent hither to coöperate with the united forces of the colonies. The following extracts from the council records and the archives are all that have been discovered relating to the correspondence respecting this matter, between Sir Francis and the Governor:—

"July 11, 1693. His E^xc^y laid before the Council a Letter dated the 8th instant from the Hon^{ble} Sr Francis Wheeler desiring the Opinion of His E^xc^y, and Council, whether his Maj^{ties} Squadron of Ships, and Forces now under his Command in their present Condition; which is sett forth in Said Letter are alone able, to attempt Quebeck; If not, what place in the River of Canada, or Newfoundland may be forced by them, and that for his Maj^{ties} information he might have the Opinion of this Board, what Force may be necessary to attack Quebeck." — *Ibid.*, p. 295.

"July 12, 1693. A Letter in answer to Sr Francis Wheeler, proposals in his Letter laid before the Council Yesterday, was drawn up and agreed to, and ordered to be Transcribed for his E^xc^ys signing." — *Ibid.*

"Sr

Yors of the 8th currt according to yor desire I have co^municat^d to the Council, wherein you are pleased to acquaint me what Commands you have from his Maj^{ty} for coming to this place and to proceed up the River of Canada with the assistance of such Forces as should joyne you here to attack the City of Quebeck. You are also pleased to acquaint me with the Condition of their Maj^{ties} ships and Forces under your Command, and the contagious sickness which has fallⁿ both upon the Souldiers and Seamen. so that there is not remaining above 650 men (including officers) of your two Regiments of Souldiers and that the ships Companies are reduced to less than one halfe of what their Complement was at first and of those remaining not above one third seamen at most. desiring the opinion of my selfe and Council whether your Selves alone are able to attempt Quebeck If not, what place in Canada River or Newfoundland may be forced by you —

In answer whereto upon advisem^t with the Council considering the circumstances above mentioned We do not think it probable that yor Honour can force the City of Quebeck with your remaining strength supposing your numbers to be short of what is necessary for such an Enterprize besides that the year will be too far advanced before any Army can be provided to make a descent upon them by Land, to keep them alarum'd, in the upper parts of the River. that so their Forces be not drawn down to the strengthning of that City.

Neither have any orders or notice from his Maj^{ty} of this Expedition arrived here to this day. and We know of no place within that River below Orleance that will be worth your forcing. but possibly there may be some number of French inerchant ships at St^t Peters and Plesance in Newfoundland, the taking or destroying of which may be a considerable service unto their Maj^{ties}

As to yor Proposall to have our opinion for his Maj^{ties} Information what force is necessary to attack Quebeck — We humbly suggest that there be 4000 men effective to form a sufficient Land force against the City and to make a descent at the same time upon their Plantations and settlements in the upper part of the River to keep them alarum'd besides the Seamen for the naval Forces.

That 2000 Souldiers be sent from Europe. for this Expedition. the other 2000 to be made up by the several Governments of their Maj^{ties} Colonies and Plantations on this side Virginia, there being no dependance to have any Indians but of the Maqua's and other Nations in alliance with them who are under the Influence and Directions of the Government of New York

That the Naval Forces consist of as many ships of War and of the same Rates as the present squadron with two Bomb Vessells furnished with large mortar peices that will heave a shell at least a mile. Fireships. Hospitall and Store ships what may be necessary.

That his Maj^{ty} be pleased to furnish 3000 light fire armes. and 500 barrells of powder to be sent to Boston for supply of such part of the Forces as are to be rayed in these Plantations.

That his Maj^{ties} Pleasure respecting this designe be sent to his respective Governo^{rs} here by several conveyances in convenient time. that preparations may be early made, so as to be in the River by the last of May or beginning of June at furthest.

That the Squadron from England be directed to stop at the Gutt of Cancean and the Forces from hence to joyne them there.

I shall take care to lay the same Account before his Majesty, wishing yor Honor all happiness.:/.

I am.

Boston. July. 12th. 1693./.

Hon^{ble} Sr

Yor very humble Servant.

W: PHIPS.

To the Hon^{ble} Sr Francis Wheeler K^{nt}." — *Mass. Archives, vol. 51, p. 19.*

Phips informed Governor Fletcher of the intended movement of the fleet, in a letter of which the following is the concluding paragraph:—

"Sr Francis Wheler with the squadron under him is near ready and purposes to sayle hence in his voyage homeward within a few dayes. and to attack the French at Plesantia in Newfoundland, the souldiers and seamen are restored to a good measure of health but it has pleased God to visit this town with the sickness, of which several persons are already dead.

I am,

Yor E^xc^ys most humble servant

Boston; July 26th 1693. —
vol. 30, p. 335.

[W. PHIPS]. — *Ibid.*

The letter of Sir Francis Wheeler to which the following is a reply has not been found, but the reply shows the reasons which induced the Council to refuse the Admiral's application to recruit his force with four hundred men of the province:—

"Sr

In yours of the 24th curreant you were pleased to acquaint me with your Resolution by the blessing of God in your way homeward to attack Plesentia in Newfoundland both by sea and Land, Proposing to be Enforced with 400 men from hence for that service. For that you have been lately advised from Colo Kendall Govr of Barbado's that he has read an account from the Govr of the French Settlement there of the Strength of that place the last yeare. in numbers of men—

Upon receipt whereof I made known unto your Honor that as their Majties in their Royal Charter for setting y^e Governmt over this their Province have been pleased to commit the power of the militia into the hand of the Govrs for the time being. so they have likewise provided and ordained that the Governour shall not by virtue of any power thereby granted or hereafter to be granted to him. transport any of the Inhabitants of the Province or oblige them to march out of the limits of the same. without their own consent, or the consent of the great and General Court or Assembly of the s^d Province or Territory; there being no assembly now in being nor can a new One be convened by y^e Act of the Countrey within less than Thirty dayes after the granting forth Writts—

Had your Honor offered any Proposal of this nature whilst the Assembly had been sitting (who were dismist upon the 15th day of this month.) I should have promoted the Consideration thereof with them. I continued their sitting the longer in expectation of receiving their Majties Commands relating to the design of yor Honrs coming with your Squadron into these parts, which you were pleased To acquaint me with at your arrival, the yeare being now too far advanced for the same.~

There is an Expedition now forming against the Indian Enemy in the Eastern parts which will require a considerable number of men— Besides that the awfull consideration of the contagious sickness brought in the Fleet is very much affrighting and discouraging to men to adventure themselves on bord the Fleet It having pleased God also to suffer the same within a few dayes to break forth in the Countrey and so far as it hath proceeded to prove very deadly. whereby we are like to be greatly diminished if God prevent not.

Sr I have acquainted the Council with the contents of your Honrs Letter and my answer to the same. Who hope your Honour will receive satisfaction therewith.

I shall be very glad to assist yor Honor in anything within my power for their Majties service in which I heartily wish your good success; and am

Hon^{ble} Sr

Your very humble servt

W. P[HIRS].

Boston. July. 27th 1693

To the Hon^{ble} Sr Francis Wheler Knt." — *Ibid.*, vol. 51, p. 22.*

The following passages in Sewall's Diary throw some light on the subject of the duration and fatality of the distemper:—

"Monday, June 26. . . . Last night Tim^o Wadsworth's man dies of the Fever of the Fleet, as is supposed, he having been on board and in the Hold of some ship. Town is much startled at it.

July 24. Capt. Turell is buried. Mr Joseph Dasset was buried yesterday, being much lamented. Jn^o Shove and—Saxton died before, all of the Fleet-Fever, as is suposed; besides others. The Town is much startled. Capt. Byfield speaks of removing his wife and daughters to Bristow. One of the Fleet-Women dies this day, July 24, 1693, at David Johnson's, over against the Town-house.

July 25. Three Carpenters die.

July 26. Dr. Pemberton dies. Persons are generally under much consternation, which Mr. Willard takes notice of in his Prayer." — *Vol. I., p. 380.*

The first day of public thanksgiving under the provincial government, was kept on the twenty-sixth of February, 1692-3. The proclamation therefor was issued by order of the Governor and Council in the vacation of the General Court and without the concurrent voice of the representatives, which concurrence was necessary to give validity to the clause prohibiting servile labor on that day. This proclamation and the preliminary action of the Council thereupon are as follows:—

"Jan. 30, 1692-3. Agreed. That an Order be drawn up for a day of publick Thanksgiving for the preservation of their Majties the happy successes vouchsafed unto their armes and Royal Navy, and for other publick mercies bestowed on this People, to be presented at the next sitting of the Council; and that Thursday the twenty third of February next be set apart for that service.

WILLIAM PHIPS." — *Executive Records of the Council*, vol. 2, p. 218.

"Feb. 2, 1692-3. The Order drawn up for celebrating of Thursday the twenty third of February curreant as a day of Publick Thanksgiving, throughout this Province, and the Inhibiting of all servile labour on said day, was read, voted and approved of and ordered to be sent to the Press. In the words following:

It having pleased Almighty God, (amidst the great commotions, which have for sometime affected all Europe, and extended unto these American Plantations) graciously to smile upon the English Interests in the preservation of their Majties the happy successes vouchsafed unto their armes and Royal Navy, and particularly to answer the prayers of his poor people in the late Harvest, the safe return of such who had been abroad on publick service, the comfortable measure of health now enjoyed & Restraint of Enemies, with the Check given to the formidable assaults of Witchcrafts:

It is therefore Ordered: That Thursday the twenty third of this instant February be celebrated as a day of Thanksgiving throughout this Province, unto the God of Heaven

* See, also, *Executive Records of the Council*, vol. 2, pp. 246, 247, for the advice of the Council upon this application.

for these and all his other Favours, and the several Ministers and assemblies are exhorted unto all serious endeavours to observe the day in such manner as to testify their fear of God and his goodness. And all servile Labour on said day is hereby Inhibited.

WILLIAM PHIPS." — *Ibid.*, p. 219.

Chap. 5. This chapter is from archives, vol. 106, p. 379. It is recorded in council records, vol. VI., p. 306.

In February, 1692-3, was prepared the first address from the provincial government to the sovereign. It was done by the Governor and Council upon the following motion or proposal of the House: —

"To his Excellency The Govern^r & Council. The House of Representaes Do propose, That the Hon^d Council will so farr consider the severall streights that this poor Province is in, as to petition their Maj^{ties} that the charge of the Fort at Pemaquid may not be a settled charge to the Province

That the souldiers at New Hampshire may be drawne off, or proportionable charges borne by the Province in which they are

That when souldiers are sent to keep Garrison in any places, there may be only serjeants to command them & superior officers wages saved.

That the Committees appointed to settle accompts betwixt this Collony & Plymouth may attend it, that wee may be informed fully of the matter

That the Committee that is or may be settled to view the Treasurers accompt, to know what the Collony or Province is in debt may attend the same, & present the same to this house, that they may be fully informed therein at next sessions

That the Committee in Plymouth may settle their accompts.

That the souldiers at the Castle may be reduced in peaceable times, or when little danger to about 16 men.

That when Captains leane their Companies under pretence of doing somewhat for the Publick, & stay months to doe their owne busines, thay may not be paid, while out of service.

That Connecticut Colony may be treated with to help with a supply of souldiers, English, Indians or others against their Maj^{ties} Enemies, (That we are annoyed with) at suitable season of the yeare.

That souldiers Imprest be paid from the time, The Governour & Council orders them to attend their Majesties service.

That souldiers be paid in their Owne Townes by order from the Treasurer to the Constable at any time they desire it

That souldiers pay no more at the Eastward, for that which they are supplied with, than what the Goods cost at the port it went from.

That no Captaine or Commissary reciene any refuse Goods to supply the souldiers with.

That Rode Island may be remembered that when they were in streights we sent 3 shippes to defend them, & That they promised be* bear with us proportionable, if then we helped them at Block Island.

That supplication be made to their Majesties, that the souldiers in Sr Edmunds time, may be paid by all that was under his Government.

That the souldiers that his Excellency may comānd to secure their majesties subjects in other Collonies They may contribute to the paying of such souldiers proportionably with us.

That all the Debts the Collonies owe to publick persons, in any towne, may be paid by the Townes where such live, or next adjacent to prevent charge of Transportation.

That the money Granted be Expended no further Eastward then Wells unless in the pursuit of an Ennemy

xbr: 10: 92 This representation voted in this house of Representatines & sent to His Excellency y^e Gouern^r and Council for Concurrence —

WILLIAM BOND speaker." — *Mass.*

Archives, vol. 3, p. 48.

In answer to the foregoing suggestion the Governor and Council, on the nineteenth of January, adopted the draught of an address which they ordered to be engrossed. It was subsequently reconsidered and redrawn, as shown by the following entry: —

"Feb. 16, 1692-3. Upon reading the address lately agreed on to be presented unto their Maj^{ties} and upon further consideration thereof, the Ship bound for London by which the same was intended to be forwarded being not yet gone:

Resolved and Ordered. That the sd address be not sent forward, but that the new one with some alterations now made be forthwith prepared to go by this Ship.

WILLIAM PHIPS." — *Executive Records of the Council*, vol. 2, p. 220.

The following is the draught of the address as finally agreed upon: —

"To their most Excel^{ty} Maj^{ties} King William & Queen Mary

The humble Address of the Gov^r and Council of yor Maj^{ties} Province of the Massachusetts Bay in New-England in America

May it Please yor Maj^{ties}

The many Royal Favours wherewith yor Maties have been graciously pleased to oblige your good Subjects within this yor Province, And yor Princely care and Regard for the Safety and defence of the same by ordering two of yor Maties Frigatts to keep their Station here doth Embolden vs with all due Submission humbly to represent and lay before yor Maj^{ties} the present afflictive & distressing circumstances of this yor poor people, thro' — the long continuance of the War, and the vast losses and charge drawn upon them thereby, besides other desolating Calamities befalling them by means whereof they are greatly Impoverished & diminished humbly praying yor Maties princely Consideration thereof, and the discouragements they labour under, haveing no prospect of an end of

these troubles whilst such a growing branch of ye ffrench power in the Country of Canada continue and increase their Settlements so near who are the original and Source of all our Mischiefes, their Interest being so contrary unto the Interest of yor Majties and are intermix't with the Indians by their neer Alliances of marriage and benefit of their Trade, That it cannot consist with the peace and flourishing of yor Majties Dominions here.

We also most humbly Supplicate yor Maties Favour in respect of the great charge and Expence for the Erecting a Fort at Penaquid and the maintenance of a Garrison there which if it should be laid upon yor Subjects of this Province already so much exhausted by the War in their own and neighbours defence would prove insupportable; nor can it be of so great advantage as may have been supposed to annoy the Enemy or divert their coming upon these parts being remote from their common Roads through the Country and about Seventy miles distant from any present Settlement of the English, and as we are likewise Informed has alwaies been Supported at the sole charge of the Crown. Further we most humbly pray yor Majties Grace for yor Royal Approbation and Confirmation of the Acts and Laws passed by the Great and General Court or Assembly of this your Province now forwarded to be laid before your Majties being adapted unto the Constitution and Circumstances of the Province and as We humbly conceive most conducing to the happy Increase and Flourishing of the same. And tho there be therein some diversity, yet nothing that we know of repugnant unto the Laws and Statutes of your Majties Kingdom of England —

Finally We humbly prostrate our Selves at your Royal Feet heartily wishing the long continuance of your Majties Lives and prosperous Reigne. That your Majties armes and Enterprizes may be crowned with Success for the subdueing and vanquishing of all your Enemies, and thereby a happy repose and quiet be procured and long continued unto your Majties and all your Dominions — And may the benigne Influences thereof never be wanting to this yor Majties Province Is the fervent prayer of

Council Chamber in Boston

Yor Majties

February 16th 1692/3

Most humble obedient and truly devoted Subjects the Governour and Council of yor Majties Province aforesd. — *Mass. Archives, vol. 106, p. 375.*

The changes made in the original draught of this address were the substitution, in the first paragraph, of the clause beginning "humbly praying your majesties," and finishing the paragraph, for the passage which is given below; and the addition of the clause in the final draught, which begins with "humbly praying your majesties' princely consideration," etc., and ends with "dominions here:" —

"And the more discouraged in that they have no prospect of the end of these troubles, so long as our ill neighbours the ffrench of Canada continue and increase their Settlements there, being the Original and Spring of all these mischiefes by animating and Assisting of the Indian Enemy, and Sheltring of them, when at any time warmly pursued and driven from their own Plantations. The Sense we have of their contrary Interest, and the inconsistency thereof with the peace and tranquility of yor Maties Subjects in these yor Territorys and Dominion either at present or for future Obligeth us in duty and faithfulness unto yor Maties humbly to Address yor Maties in that Respect having written unto the Govr of New Yorke to joine in such Application, That whilst yor Maties Armes in Confederation with other Protestant Princes are designed to bring down the pride & greatness of the French power, that branch thereof in these parts of America may not be forgotten; But that yor Maties would be graciously pleased to take the same into yor Princely Consideration, and to order such Sea and Land Force to be Employed for the Subdueing and reducing thereof, as with the blessing of God may add that Country unto yor Imperial Crown, & thereby Enlarge and procure a lasting quiet and flourishing Settlement of yor Maties Territorys and Dominion, and make a considerable Augmentation to the Revenue of the Crown. . ." — *Ibid.*, p. 373.

The chief object of the address which constitutes the present chapter was to secure the retention in office, of Phips, whose supposed subserviency to the Mather interest had greatly increased the opposition which, on various grounds, he had encountered from the beginning of his administration. This address was first proposed in the Council, where, on the eighth of November, the Governor directed Major Bartholomew Gedney and the Secretary to recommend to the consideration of the House, "the preparing an address unto their Majties."* On the thirteenth, a joint committee, consisting of John Richards, Samuel Sewall, John Foster and Peter Sergeant, of the Council, and Dr. Daniel Allin, Major Penn Townsend, Mr. Nehemiah Jewett, Mr. Samuel Wheelwright, Mr. William Denison and Capt. John Browne, of the House, was appointed to prepare the address;† and on the fourteenth the draught was completed, read and approved by the House, and sent up to the Council, where, on the sixteenth, it was passed in the affirmative and signed by nineteen members of the Council, — the Governor declining to appear as advocating his own cause. The circumstances are thus briefly related by Hutchinson: —

"The prejudices were great against him [Phips] in England. Mr. Dudley, who was upon the spot and desired to succeed him, heightened them. There was a strong party against him also within the province. By negativing Mr. Cooke, he had made many of those who had opposed all measures, except the restoration of the old charter, to be his enemies. Dudley had been trying to reconcile himself to his countrymen ever since the revolution: He had great family interest. Stoughton, the lieutenant governor, retained his friendship, and secretly corresponded with him, and was very cold in Sir Williams's interest. They who had been in favor of the [province] charter were for him. They were the most numerous, but not most active and zealous. The private letters, sent to England, were generally against him. He had a hard task to keep a majority of the general court in his favor. An address was proposed and carried in the house of representatives, humbly praying his majesty, that the governor might not be removed; but of 50 members present, 24 voted against it." — *Hist. of Mass.*, ed. 1767, vol. 2, pp. 78, 79.

* Council Records, vol. VI., p. 301.

† *Ibid.*, p. 303.

Hutchinson appends a note, which is an extract from a letter dated November 1, 1694 (which has already been quoted from in note * on p. 44, *ante*), in which occurs the following passage:—

“It was very surprizing to me to see the laborious methods taken to obtain an address from the general assembly here, for the continuance of Sir William in the government. The opposers were gentlemen, principally of Boston, who were too near Sir William to think well of him, but served in the house for several towns and villages, at some distance, where some of them were born, and others had their estates and improvements above any dwellers in the place for which they served. To be rid of them all at once, a bill was brought in, or rather a clause brought into a bill, that no man whatsoever should serve in the house of commons for any town, unless where he did at that time live and dwell, which passed with the dissent of 24, the whole house consisting of 50, and with some heat in the upper house.” — *Ibid.*, pp. 79, 80, note †.

Chap. 7. This chapter is from council records, vol. VI., p. 313. It has not been found in the archives. In the notes to resolves, 1693, chapter 7, some account of the Indian massacre at Deerfield in June of that year has been given. The following petition shows that timely measures were taken by the inhabitants to guard against such an attack : —

“Febr y^e 18: 1692/3 To His Excellency S^r W^m Phipps Kn^t Gon^r of y^e Masathusets
With y^e Hon^r Connsell & A Sembly in y^e Great and Generall Court Conuened in Boston

The Inhabitants of y^e Town of Derfid in y^e County of Ilampshire Humbly petitioneth this Honorrd Courts Consideration of their present Afflictive estate & condition as followeth Having for a long Time Been Much Exexercised and at great Expenses in purchacing and seteling our place anew and by reson of y^e feares and Hazards of y^e approaching of enemies Improueing a great part of our Time In watchings wardings Scoutings and Making of fortifications Besides y^e inevitable Loses and mishapps we now Meet with in our Labors Both by y^e Hand of God and y^e Inconueniencies of Improueing our Lands or Labors in those times of fear and Hazzard as aforsd to any measure of aduantage for support of our families and y^e necessary Expences of our town and Church and Releife of such amongst us as we are Bound in Conscience to releive whereby we haue Been Exposed to many straits and are Brought very Low and in a likely way to come to Extremity so that it becomes a question amongst us whether we haue not a Call to apply our selves To this Honourabel Court for an order to desert y^e place we being already Conuincied that if we should Let out our whole accomodations To pay y^e Charges and take no other Rent we should Be Gainers as at present things are Circumstanced besides y^e more Eeminant Hazards we are in of y^e Incursions of y^e Enemie Being 13: mile Distant Northward from any of y^e other towns In this County and a Little Handful more in y^e Mouths of y^e Enemy aforesd being But about 50 men vpon y^e Considerations aforesd and many more too Large here to number up we humbly Intreate that we May Haue such credence from your Honors and such help and releife as our neseditious If not Extreame Difficulties Call for: and Being heartily wiling to serue y^e king and Queens Maiesties and your Honors as Good and Loyall and obedient subiectes and Especially Christ and His Intrest in this place satisfing our selues in your speciaall Care and Readynes To releine such (thinking with allowance to hold it here a Little longer) places as are mostly Exposed as aforsd Humbly propose that we might have a grant from your Honors out of their Maiesties treasury In this prouince a sutable Supply of ammunition we hauing no town stock: as also an abatement of those taxes that are now called for In y^e year 92 and those yet to be called for till such time (if euer it be) we Recouer our selues from this low Estate we are now in y^e granting of wich will much oblige your poor petionrs and for your Honors Euer to pray —.

DAVID HOIT

DAVID HOIT

JNO SHELDEN

SIMON BEAMAN

in y^e name

of ye Town

Read and sent down." — *Mass. Archives*, vol. 112, p. 436.

Upon this petition the House, in March, passed the following vote:—

"In answer to the petition of the Inhabitants of Deerfield this house doe Judge it meet
and Requisite That a Committee be Chosen out of the Towns Adjacent to be Joyned with
some meet persons of said Town of Deerfield who shall Mannage that affair, and sett men
to worke for the Repaireing their fortification for the security of the said Town, and that
something be allowed them for supply of Amuntition, all w^{ch} to be payd out of the Treas-
ury of the province not Exceeding the sume of That the place may be maine-
tained, & not Deserted." — *Ibid.*

By the preamble of this chapter it appears that the Governor considered the above vote of the representatives sufficient warrant for ordering the town to be garrisoned with a force sufficient to maintain the line of fortifications asked for. The attack in June was a surprise, and might not have been made, or at least not have been attended with loss to the inhabitants, if they had availed themselves of the protection afforded by this line of works properly and vigilantly manned. The Indians continued their depredations, during the summer, as far east as Brookfield, whence a party of them was pursued and overtaken by Captain Thomas Colton, and lost some seven or eight of their number, killed or taken captive. Immediately after this, traces of hostile Indians were found in the vicinity of Deerfield by a small scouting party sent out from the town. A force of thirty men under Captains Whiting and Wells (who proceeded as far as Northfield) confirmed the report of the scouts. Northampton and Hadley were alarmed; and the apprehension of an attack was so general that a proposal was made by Captain Partridge (in a letter dated at Hatfield the first of August) to Major Pynchon at Springfield, and by him transmitted to the Governor on the same day, that for two months a party of forty or fifty men be detailed "well equipped for such a design, to range the woods and make it their work at all times to be out pursuing where they find or hear of an approaching or moving enemy." In this letter Partridge mentions that the "Governor and Council, in their

orders and provision for our parts, which was sent March last, did favor such a thing if not to a greater number than the abovesaid." On this letter Pyncheon made the following endorsement:—

"For his excellency y^e Gov^rs p^rsal in Boston." — *Ibid.*, vol. 70, p. 195.

Two days before the Assembly convened, this session, the following petition, signed by two of the inhabitants of Deerfield, — one being the Rev. John Williams, the minister, who several years later was taken captive by the French and Indian enemy at the sacking of the town, and the other, one of the selectmen, — was read in the Council. On the fourteenth, it was read a second time and taken "under consideration in order to answering, if it may be:—"

"To his Exelency S^r William Phips Kn^t Cap^t Gener^l & Gov^r in Chiefe of y^r Maj^{ties} Province of the Massachutes Bay: & to y^e Honrd Councell and Representatives Convened In Generall Assembly

The Humble Petition of y^e Inhabitants of Dearfeild in y^e County of Hamshier sheweth

That y^e s^d Town of Dearfd being a frontier town is liable unto and of late hath been much Infested wth the Incursions of o^r Indian Enemies to o^r Grate Impoverishment and prejudice —

That: unless o^r distressed Condition be Considered by this Honrd Assembly and some Assistanc afforded us: we must of nesesity forsake o^r habitations and draw off to some Neighbouring towns

We therefore Humbly Acknowledging the Care & regard hitherto afforded us by yo^r Exelency: Doe pray that o^r part of the thirty thousand pound rate remaining yet uncollected (by reason of o^r Inability to pay it) may be remitted: and y^e s^d Town in future taxes may be Exempted dureing the present distress: and that a Ga^rrrson of Eighteen or twenty sould^{rs} may reside wth us for o^r defenc — & ye security of sd County, and yo^r Petition^{rs} shall Ev^r pray for yo^r Hon^{rs}: and Subscribe o^r selves yo^r Hon^{rs} most Humble & oblidged seru^{ts}

In y^e name and behalf of y^e Inhabitants of Dearfd JN^o WILLIAMS
JOSEPH BARNARD

Dearfeild Novembr 6th 1693." — *Ibid.*, p. 199.

The following paper seems to have been filed with the above petition:—

"An acompt of the fortification made in Deerfeild by ord^r of warrant from Maj^r John Pyncheon, made in may 1693: the messure or whole Compass of ye forte is two hundred and two rods: vallued by the Co^mittee of the Militia and y^r select men: to be worth five shillings p^r rod in money

Attests here unto

JONATHAN WELLS Cap^t

In y^e name of y^e rest of y^e
Com^{tee} of Militia

p^r JOSEPH BARNARD

in the name of }
y^e rest of y^e } select men

Dearfeild Octobr y^e 6th 1693

we haveing Intimation from Maj^r Pyncheon in sd wa^rrant y^t y^r was an ord^r of Court Concerning o^r fortification y^t we should be allowed out of o^r Country rates for sd work doe therefore p^r sent this acco^t to the Honrd Court." — *Ibid.*, p. 200.

By the twenty-eighth, these papers appear to have been transmitted to the House, and thereupon the order which forms the present chapter was passed.

Chap. 8. This chapter is from council records, vol. VI., p. 314. It has not been found in the archives.

Arnold was the prison keeper and jailer at Boston during the witch trials and was removed from office, it is said, for liberating, upon the warrant of Lady Phips, a prisoner held on the charge of witchcraft:—

"... The good lady, *propria virtute*, granted and signed a warrant for the said woman's discharge, which was obeyed by the keeper, and the woman lives still for aught I know. Truly, I did not believe this story till I saw a copy of the mittimus and discharge, under the keeper's hand, attested a true copy, for which discovery the keeper was discharged from his trust and put out of his employment, as he himself told me." — *Hutchinson's Hist. of Mass.*, ed. 1767, vol. 2, p. 61, note †.

He was succeeded by Caleb Ray, May 2, 1693. See votes, 1694-5, chapter 56, and 1700-1, chapter 40, notes.

Chap. 9. This chapter is from archives, vol. 48, p. 225.

Immediately upon the choice of a speaker by the House of Representatives in the first General Court assembled under the province charter a committee was appointed by the House to wait upon the Governor and request his assent to certain privileges, in imitation of the proceedings at the close of the convention which framed the declaration of rights presented to King William and Queen Mary for their approval upon accepting the crown.

The journal of the House for the year 1692 is not known to be in existence, but the Secretary made the following record of this proceeding:—

"June 8, 1692. *Post Meridian* Several of the principal members of the House of Representatives waited upon His E^xcy acquainting him that they had made choice of Mr William Bond to be the speaker of their House, whom they now came to present before His E^xcy, and the Said Speaker in behalf of the House, prayed his E^xcy that there might be allowed unto them the accustomed privileges of an English Assembly, which they expected as their due; namely, That they have the Liberty of a free, and Open Debate of all matters lying before them, and what they shall properly be Concerned in, That they be admitted to have free access unto his E^xcy from time to time, as there shall be Occasion That no member of the House, nor his Serv^{ts} attending upon him during the time of the Sessions, and whilst they shall be going to or returning from the assembly, be any ways molested,

troubled, or arrested, sued or Imprisoned, Except in Cases of Felony or High Treason, all which His Excellency readily consented to be granted them.

WILLIAM PHIPS." — *Council*

Records, vol. VI., p. 223.

This was followed, the next session, by the act of October 11th, setting forth general privileges, which, however, did not concern legislative functions.

During the first Assembly of 1693 there was some friction between the Governor and the representatives partly because of the failure of the House to pass a bill* so regulating the election of deputies as to secure a majority willing to protest to the crown against the Governor's removal, and partly on account of certain differences between the executive and the popular branch in regard to the province treasurership. Sewall intimates that the Governor dissolved the Assembly on account of the intractability of the House on these points.†

Of the deputies elected to the new Assembly in November, a bare majority proved favorable to the wishes of the Governor, at least in the matter of the address. But harmony was not wholly restored between them and the Governor. The majority were evidently jealous of the assumption, by the executive branch, of some of their prerogatives. A doorkeeper and messenger had been appointed by the Council for the whole court, who was of course amenable to the appointing power. On the sixth day of the session the following vote was sent up to the Council, where it was read, but no further action was had upon it until the twenty-eighth:—

"It appearing to this house that without an officer appointed to Attend them the business of this house will be neglected, and their Authority & priviledges in danger of being invaded; It is humbly proposed to your Excellency & Council that as soone as possible a sutable person may be appointed to Attend this house, that may be vnder the quality of a Serjant at armes; (as is acenstomed in our nation & in other Plantations that are priviledged with Such assemblies.)

voted in the Affermatine and sent vp to the vper house for their Concurrence

Boston Novr 13th 1693

NATHAN BYFIELD speaker." — *Mass.*

Archives, vol. 48, p. 221.

Meanwhile, an important question as to the Governor's constitutional right to control certain proceedings of the House arose upon the action of Phips in regard to a vote of the representatives on Friday, the seventeenth, to adjourn to Tuesday, the twenty-first. The following entries show how this difference was settled:—

"Nov. 21, 1693. His EX^{ty} Sent in for the House of Representatives, and acquainted them he understood they had passed a Vote on Friday night last for adjourning of that House for some Days, without any direction from himself, of which he manifested his resentment as an intrenchment on the Kings Prerogative, and the Power derived to himself by their Majesties royall Charter to adjourn prorogue, or dissolve all Great, and General Courts, or assemblies.

The Representatives returning to their House, sent in Maj^r Townsend, Doctor Allen, Mr Sereven, Mr Jewett, and Mr Otis members of y^t House to acknowledge their mistake in attempting an adjournment of their House without his EX^{ty}s consent, and craved his Pardon, declaring they should be cautious for future of any such practice." — *Council Records, vol. VI., p. 309.*

"Nov. 22, 1693. His EX^{ty} directed Nathaniel Thomas Esq^r, and the Secretary to acquaint the House of Representatives that he accepted their acknowledgement made Yesterday by their Messengers sent in, and would have them to proceed in the work of the Court." — *Ibid., p. 310.*

A memorandum in Sewall's Diary gives some other circumstances of this case which show the Governor's feeling towards Mr. Speaker Byfield, who had been an active member of the opposition in the last Assembly, and who now led the party opposed to the Governor's pet measure, — the additional bill for regulating the House of Representatives. It is as follows:—

"*Nota.* Nov. 21. Governour bids the Deputies goe chuse a new Speaker; which they pray excuse for. Governour alledges as a reason, Speaker's adjourning their House from Friday till this day without acquainting Him. By mediation the matter is compos'd, and Wednesday morn, the Governour sends to them by the Secretary, to desire them to go on with the business of the Court. Mr. Secretary is directed to enter their Acknowledgment of their Error, and asking Pardon, and that would not practise in like manner for time to come." — *Vol. I., p. 385.*

This was the beginning of a controversy which was finally settled by the explanatory charter of 1726.

The Governor's adherents in the House succeeded in passing a vote on the twenty-fifth of November, "that none be chosen Representatives but persons resident in the town for which they are chosen, and having Free-Hold there."‡

This elicited a protest, signed by little less than half of the deputies present, and including most of the larger freeholders and men of conspicuous ability in the House.§

On the twenty-eighth, the final draught of the bill for regulating the House of Representatives—the first draught of which had been read in the Council on the twenty-second—was passed by the House and concurred in by the Council; and, on the same day, a joint committee was appointed to consider the business proposed in the vote of the House on the thirteenth, as appears by the following entry:—

* The title of this abortive bill was "An additional bill for regulating the House of Representatives."

† "July 15, 1693. . . . About noon Mr. Willard prays, the Assembly-men being sent for in. Presently after the Governour stands up and dissolves the Assembly. Was much disgusted about the old Treasurer, and about the not passing of the Bill to regulat the house of Representatives." — *Diary, vol. I., p. 380.*

‡ *Ibid.*, p. 386.

§ See note to legislative list, 1694-5, p. 44.

"Nov. 28, 1693. Thomas Danforth, Jonathan Corwin, and Nathaniel Thomas Esq^r were appointed to Joine with Major Townsend, Capt Holbrooke, Mr Screven, Mr Hirst, and Doct^r Alline nominated by the representatives, to consider of the Power and privileges of that House." — *Council Records*, vol. VI., p. 313.

The report of this committee constitutes this chapter. Another seeming encroachment on the prerogatives claimed by the House now began to engage the attention of the deputies. This was the claim of the executive branch to order payment to the attorney-general without a special concurrent vote of the House. This claim seems to have been put forth in advance of any formal vote on the subject. During the former Assembly, Anthony Checkley, who had held the office of attorney-general by appointment of the provisional government which succeeded Andros's administration, and who had been reappointed by Phips and his Council in 1692, presented a petition to the General Court praying to be instructed as to his duty, and asking for "some competent satisfaction for the pains and trouble" he had taken in the past, and should take in the future, in the performance of the duties of his office.

This petition, since it was the beginning of a long and important controversy, is given hereunder, in full:—

"To his Excelency Sr W^m Phips Knight Cap^t Generall & Gov^r in Cheife of their Maj^{ties} Province of the Massachusetts Bay in New England and vice Admirall of the Same And To the Right honorable W^m Stoughton Esq^r Leif^t Gov^r of the Said Province, And the Rest of the honorable Councel, And the hon^{ored} Assembly Sitting in Boston June 1693 —

The petition of Anthony Checkley

Humbly Sheweth

That in the Yeare 1689 I was Chosen their Maj^{ties} Atturⁿie Generall by ye Gour Councel & Assembly In which place I Continued, dureing that Gouvern^{mt} And his Excelency Sr W^m Phips after he had Receiued the Gour^{ment}, his Excelency & Councel was pleased to Chuse & Comitionate me to that place, both in the former Gouvern^{mt} & in this I haue had much very dificall & troblesome Worke, In Indicting & Impleading A great number of people, for ffellony by murther Piracy, Witchcraft Rape Burglar^y And theft & other Crimes, At Seuerall Courts in the Countie of Suffolke Essex & Midlesex, Seuerall haue bin Convict & Executed, Some tryed & Acquitt, And others their Bills Returned Ignoramus

In this dificall Service for thir Maj^{ties} I haue borne my owne Expence (I haue not eate of the Kings bread Exept at one Court Some few meales at Salem) but the Charge of my Selfe & Horse And all helpe I haue paid my fees or allowance hath bin almost nothing, for them that haue bin Executed Some That haue made escape & Some that haue died, haue had nothing, & for them that I was allowed any thing the fees was Soe low & the number of the P^{ersons} able to pay Soe few, that I haue had Soe little that It would not bare my Expence, I haue Indicted neer fower Score P^{ersons} that I never had any thing for my Comition allows me to take as large fees as any of their Maj^{ties} Atturⁿie Generalls in their Maj^{ties} Plantaco^{ns} in America, but how it Shall be had I am Ignorant There is neither fees nor Sallery Settled: which is a great discouragm^t I am not desirous of great fees or a large Sallery Soe as to be Inriched by this place — But I humbly pray that I may haue Such A Compensation as may Suport me in the dilligent & faithfull discharge of my duty, If this honored Court will be pleased to Sett off my Rates, And allow me Some Satisfaction for the time past, And Sett me Rate free & A Resonable Sallery for the time to Come I Shall be thankfull There is One thing more wherin I am Vnder discouragm^t I am Not Countenanced in the Execution of my of my* Office in Seuerall matters which Conserne their Maj^{ties} Intrest & the publick good, As Impleading Ships & Goods, which are Informed against for y^e Breach of Penall Stattutes, In these Cases I Canot be for the defend^t because I am y^e Kings Atturⁿie I must not plead against the King, And I may not plead for the King nor for his Excelency the Gou^rnor because the Informer Generall will not allow it, This may be Injurious to their Maj^{ties} & The Gou^r in Case and is Injurious to me I am forced to Stand like mum Chance & Cannot be allowed to Speake or act for their Maj^{ties} Intrest although their Consernes be neuer soe Ill managed I pray this Hono^r Court to Consider & Settle this matter There be Seuerall other matters which I humbly thinke the Atturⁿie Generall ought to Intermedle in, As putting in Suite Bonds forfeited to their Maj^{ties} And moneing for Execution to pass against forfeiters of Recognizanses And many other matters which I had Rather receiue as the Comands of the Authority, Then Exert my power in the Execution of — I am willing to Serue their Maj^{ties} to my Vtmost, But had rather be Called to my duty then to force my selfe vpon it,

My humble Request to this Honord Court is That yo^a will please to Instruct me what my duty is, And Incourage me in the doeing of it — The Incouragment which I pray for is That I may Receiue yo^r Comands with fauor & ffreindship, And haue Some Competent Satisfaction for the paines & troble I haue & Shall take & haue in the p^{er}formance of my duty —

The granting of my Request will Oblige me to Serue their Maj^{ties} & this hono^rd Court Cherfully, & thankfull^y And to be Yo^r Excelencies & Y^e hono^rd Courts

Obliged humble Servant

ANTHONY CHECKLEY." — *Mass.*

Archives, vol. 40, p. 278.

This petition was read in the Council on the thirteenth of June and sent down to the House, where it was read once. What further action was taken upon it in the House, at that time, has not been ascertained, on account of the loss of the House Journals; but that there was no concurrent grant to the petitioner sufficiently appears by the subsequent action of both branches. On the twenty-eighth of November, as appears by the record, the following order was passed by the Council:—

"Nov. 28, 1693. Upon Reading the Petition of Mr Anthony Checkly their Majesties Attorney General for this Province, setting forth, that there being no Fees Stated, relating to that office and no allowance having been hitherto made him

* *Sic.*

† *Sic*: defendant?

Ordered By his Excellency, and Council, That Mr Treasurer do pay unto Mr Attorney, as a recompence for his past Service, the Sum of Sixty pounds. —

WILLIAM PHIPS." — *Council*

Records, vol. VI., p. 314.

Another disbursement authorized by the Council and objected to by the House, concerned military affairs. On the first of December the Board passed an order for granting debentures for the payment of the account of Captain March, for the services of himself and his company in building the fort at Pemaquid* — amounting to £130 10*d.*; and on the sixth, an allowance was made by them to the commissioners for managing the affairs of the war, as follows: —

"Dec. 6, 1693. Ordered That the Commissioners appointed for manning the affairs of Warr Viz^t Bartho Gedney, Elisha Hutchinson, and John Walley Esq^{rs} be allowed, and paid after the rate of one hundred pounds apiece p^{r} annum for their Care, and Service in that affair (the subduction of three pence p^{r} pound for all Sum^s by them passed by debentures, or otherwise to accrue to the benefit of the Treasury,

And Mr Treasurer is also Ordered to pay them after y^e Rate aforesaid from the Sixth Day of April last, the Time of their appointment to Said Service

WILLIAM PHIPS." — *Ibid.*, p. 319.

Upon this, the House immediately passed the following resolve: —

"Resolved That it is the undoubted Priviledge of the house of Representatives that before any money bee raised in the Province they bee advised for what uses it is to bee improved and that to employ any money from time to time raised by the Gen^l Assembly of the s^d Province for any other Uses then what it is directed to in the Act is a greivance.

That the employm^t of any money out of the publick treasury for the building and maintaining the fort at Pemaquid was beside the intention of the Act for Raising the thirty thousand pounds the Gen^l Assembly not being thereabout advised or Consulted nor any direction or provision made for the Same in the s^d Act; and that their Majestyes bee humbly addressed to take the Charge of the s^d fort and of port Royal more immediately upon themselves. By the house of Representat^{ives}

Boston xbr 6. 1693

NATH: BYFIELD Speaker." — *Mass.*

Archives, vol. 70, p. 217.

This was followed by a series of votes by the House, specifically disallowing the unauthorized charges, in Phillips's accounts, of the payments to Checkley and to the commissioners on the war. These votes are given below: —

"*Sabbat*: 3^d Mar. 1693/4

Voted That the sixty pounds Charged in the treasurer acco^t payd to Mr Anthony Checkley attourney Generall in part of his sallery is improperly Charged and Do remain in the treasury.

Voted That the two hundred and sixteen pounds Charged in the treasurers acco^{ts} as payd to the Comm^s for the warre is improperly Charged, and Do remaine in the treasury

Voted that the Comm^{rs} of the warre bee allowed out of the publick treasury of this Province the summe of one hundred pounds in money in full of their sallery for their service in the time past to this time

Voted that it bee humbly proposed to his Ex^{cy} the Gov^r and Councill that for the time to Come the Comm^{rs} of the warre may not bee appointed, to Reside in Boston, but in the severall Countreyes of this Province who are to discharge themselves in their trust according to the rules to bee stated by this Court:

By the house of Representat^{ives}

NATH^l: BYFIELD Speaker." — *Ibid.*,

vol. 100, p. 469.

At the same time the following bill was read three times in the House, "and passed in the affirmative and sent up to his excellency the Governor and Council for their concurrence and consent;" and on the same day it was read in the Council, but it seems not to have reached a further stage: —

"An Addition to the Act intituled an Act for setting forth Generall Priviledges

Whereas there have been misunderstandings and disputes Concerning the Priviledges of their Majestyes leige subjects of the Province of the Massachusetts bay, and whereas upon the perusall of the Province treasurers Acco^{ts}, it Doth appear that many applications and dispositions of publick money have been made for other uses and in other manner then the acts for raising the Same design or Contain, for the future preventing and Remedying of Such like misapplications and for the asserting and securing the Liberty of and Priviledges of their Majestyes Leige Subjects of this Province. *bee it Enacted &c* That the house of Representatives of the people of this Province bee and hereby is declared and understood to bee a part of the Great and Generall Court or Assembly and that they have and of undoubted right ought to have a freedom of Debate and Suffrage in all matters proper to them as the Commons of the kingdom of Eng^d have and use, and that the Choice and appointm^t of all Civill officers not particularly directed to and enumerated in their Majestyes most Gracious Charter doth of right belong to the Great and generall Court or Assembly and is not to bee restrained to his Ex^{cy} the Govern^r and Councill and that So often as any money bee to bee raised and Levied of the people of the Province the s^d house of Representatives ought particularly to bee advised what uses and improvem^t such money is to bee raised for, and farther *bee it enacted* that the appointment and Establishm^t of all Salleryes of any officers within this Province bee and hereby is determined to belong to the s^d Generall Assembly and that no publick money bee or ought to bee disposed of by his Ex^{cy} the Govern^r and Councill but for the uses and intents of and according to the acts by which the s^d money is raised and that no money may or ought to be drawn or payd out of the publick treasury of this Province but by warrant or order of the Govern^r and Councill for the time being, Expressing particularly the act by which the s^d money was raised and for what particular service the same is designed and

* See notes to resolves, 1693, chapter 7.

to bee applyed pursnant to the sd act or acts and that if any treasurer of this Province for the time being presume to pay out any money from the publick treasury contrary to the intent and meaning of this act other then contingent charges shall shall* refund the same value out of his own estate any law Custome or usage to the Contrary notwithstanding." — *Ibid.*, vol. 48, p. 232.

Between the date of the resolves of the House against the payment of the expenses of rebuilding the fort at Pemaquid, and the votes and bill last above set forth, the following action was taken by the two branches of the Legislature, upon the question of their respective rights and duties relative to the fixing of salaries of public officers and the appropriation and payment of the public money:—

"Resolved That the Choice of all Civill officers not mentioned in y^e Charter, and the appointment of Sallaryes for the Hon^{able} Judges and other officers in this Provinc, doth of Right belong to the Generall Court of this Province./& that the payment of moneys out of the publicque Treasury, not perticulerlye provided for by the acts of this province (other then Contingent Charges) is a Greivance

Voted in the Affermative by the house of Representatives

Boston Feby 16th 1693/4

NATHA^l BYFIELD Speaker." — *Ibid.*, vol. 40, p. 302.

"Feb. 17, 1693. His Excellency sent for the House of Representatives up & a Conference was had with them about the new Bill of Regulatng of Trade with the Indians, and some other Votes of that House relating to the choice of Civil Officers not mentioned in the Charter, the [new†] appointment of Salary's, and the disposure of publick moneys, which were then read." — *Council Records*, vol. VI., p. 328.

"Feb. 19, 1693. A Proposal sent from the House of Representatives was read for a Joint meeting of the whole court to debate of such matters as, are of difference." — *Ibid.*, p. 329.

"Feb. 27, 1693. Upon a Motion from the House of Representatives That their Majesties be humbly addressed referring to the Charge of the Fort at Pemaquid, Samuel Sewall, and John Saffin Esqr^s were nominated to be a Committee with such as that House should appoint to prepare, an address accordingly." — *Ibid.*, p. 333.

"March 1, 1693. The Committee for the address about Pemaquid, presented what they had done in that Matter, which with some alterations was sent into the House of Representatives." — *Ibid.*, p. 335.

Thus it appears that down to the first of March this controversy had nearly ended in an agreement to join in an address to the crown to relieve the province of the burden of maintaining the fort at Pemaquid.

Phillips's final account as treasurer is preserved in the archives, and neither of the objectionable items is charged therein. His successor, however, rendered his first official account under the following heading:—

"The Accompt of James Taylor Gent: Treasurer and receiver General of their majties Revenue within the Province of the Massachusetts Bay in New Engl^d in America by what was standing out of the two first parts of the Assesment of £30000 within the several County's as by Acco^{ts} thereof rendred & list given transmitted to me by John Phillips Esqr late Treasur^r dated July 21th 1693 and the whole of the last part or Collection of sd Assesment The Duty's of Impost upon all goods and merchandise imported, Excise and other Dnty's belonging to their majties within the sd Province from y^e 29th June 1693 unto y^e 29th June 1694." — *Mass. Archives*, vol. 122, p. 16.

In this account the new treasurer credits himself with the payment of sixty pounds to Checkley, and £258 6s. 8d. to "the commissioners of war." For further action on Phillips's accounts as treasurer see chapter 16, *post*.

The more important of the above differences were settled the next year by the bill in addition to the act setting forth general privileges,† by which the House secured in the form of an act all that was claimed for it in the first article of the committee's report which is here made a chapter. Although no formal approval, by the Council, of this report, has been discovered, it was duly recorded in their journals, by the Secretary, and on the twenty-third of February following, Henry Emmes received his commission as the first messenger to the House, as has been shown in note ** on p. 30, *ante*.

The act in addition to the act setting forth general privileges, however, was of short duration, for it was disallowed by the Privy Council, December 10, 1696.

Chap. 10. This chapter is from council records, vol. VI., p. 315. It has not been found in the archives.

The following is the petition upon which this order was passed:—

"To his Excellencie the Governor, the Honourable Councill and Representatives in Generall Court Assembled—

The Humble request and motion of Samuel Wheelwright by the desire and in the behalfe of the Towns of Wells & York which Towns he is chosen to represent in this great Assembly.

This Honoured Court is we doubt not very sensible of the great and awfull Providences we have been & are yet laboring under; wherby we have been deprived of the ministry and through our great and extraordinary losses we are disinabled for the support of such to preach the Gospel to us as we doe earnestly desire. Therefore we humbly request that this Honoured Court would so far favor us in our low estate as to encourage us with such present maintenance of a minister in each place: as we when we have and shall do our utmost may be short of, hoping that it will not be long if the Lord continue peace and

* *Sic*.

† This word is not in the Secretary's copy of the records, but appears in the Library series, in ink evidently different from that used for the rest of the paragraph.

‡ 1694-5, chapter 3. Compare this act with the abortive bill of the previous year printed above.

prosperity but we shall be able as formerly to maintaine the ministry amongst us without any charge to the publick. your granting our request will very much oblige your petitioners who shall as in duty bound ever pray &c.

The 15 of nov: 1693
Archives, vol. 11, p. 79.

SAMLL WHEELWRIGHT." — *Mass.*

Chap. 11. This chapter is from council records, vol. VI., p. 317. It is preserved in archives, vol. 70, p. 216. Thomas, the son of George and Deborah (Gardner) Colton, born in 1651, was, for most of his life, a prominent resident of Springfield.

In the note to chapter 7, *ante*, some account has been given of Captain Colton's pursuit of the Indians who made the murderous attack on Quaboag, *alias* Brookfield, in July, 1693. The following extract from the letter of Major Pyncheon to Governor Phips, dated July 29, 1693, which was referred to in the same note, gives some interesting details of the attack and of the first rally to pursue the enemy:—

"The next day July y^e .28th or rather it was y^e 27th of July in y^e night, about y^e shutting in of y^e evening John Laurence frō Brookefeild came to me wth Tidings of Mischeife done there The accot he gave was, y^t about noone y^e .27th of July, Joseph Wolcot came frō his owne house (w^{ch} was .3. or .4. Miles) to y^e Garrison house wth one of his children in his armes crying arme arme, & s^d, he doubted his wife & other children were killed by y^e Indians, he seeing .2. or .3. Indians after her, so snateht vp y^t child & came away himself being shot after & p^sued only turned into a swamp & hid frō y^m: vpon w^{ch} relation of his, This s^d John Laurence, being then at Owens House by y^e Garrison, resolved to goe & se how matters were at his owne House towards & not far frō Wolcots: & in y^e way before he came at his owne Hom, found his Brother killed & scalped, & .2. Indians making towards him, wherevpon he returned p^sently to y^m Garrison, & staying there about halfe an houre, hasted to Springfield, telling me y^t in y^t time, none came into y^e garrison besides Joseph Wolcot, & y^t al there made but .5. men, who were in extreame hassard If I sent not men to y^m p^sently: In y^e Night not an houre after John Laurence or thereabouts, came in here, a Traveller, one Cooke, who was goeing to y^e Bay: saying y^t about Noone on July 27th he was at y^e garrison house at Qvabaug, went thence onward toward y^e Bay, not knowing or hearing any thing, he being gon out thence just before wolcot came in & when he came as far as Wolcots House, wthin .20. rod of it, he saw many Indians y^e yard ful, stood stil a while, & seing noe english wth y^m mistrusted y^m counted y^m to be at least 40. or 50. & so turned about his Horse to go Back, when p^sently y^e Bullets flew about him as thick as Haile, so he hastned to y^e garrison, where he stayed but a little while & came to Springfield, Telling me y^e garrison was in grt Hassard, being but .6. men & noe ways able to Hold it ag^t so many: Wherevpon I forthwth ordered .20. men out of Springf: 10. out of westeild y^e next Towne al Troopers: sent Post Immediatly to Hadly & r for as many more thence ordering their March to Qvabaug & there joine o^r & r, o^rs I being vp al y^e Night) were got ready by Morning wth 8. y^t came frō westfeild about sunrising These .28. al wel mounted & wel fixed went togeth^r yesterday to Brookefeild, Cap^t Colton their Leader & for y^m also frō y^e vpp Townes; whom I now this day vnderstand, attended my order rallying vp to y^e Number of .30. But could not be ready so soone, & were after those frō Springfield: I feared (according to y^e Intelligence I had) we were to weake, If they met not to Joine But now this day towards evening a Messenger sent to me frō Brookefeild gives me this acco^t, That those I sent frō Springf^d arrived there yesterday about .2. of y^e clock in y^e afternoone, finding y^e garrison wel & not touched, p^sently were vpon y^e discovery, & finding noe Indians Im^pved besides some scouting them selves y^t afternoone in Burying of y^e Dead; They found Tho Laurence dead, Joseph Mason & his eldest son, Joseph Wolcots wife & .2. children sixe in al, w^{ch} they Buryed: .3. or .4. p^sons not found, whether killed or caryed away, know not When Cap^t Colton had p^sformed this service yesterday being y^e same day he went frō Springfield, returning to y^e garrison about sundowne: the soldiers frō Hadly Northampt & r came in, Just vpon w^{ch} a man y^t adventured out of y^e garrison vpon y^e Hills: spyes .6. Indians as he s^d: came back & acquainted therewth p^sently Cap^t Colton sent out to discover, found y^e man to have spoken trnth, p^sfectly discerning their Tracks in y^e long grass w^{ch} they could very wel follow, But it growing dusky & to darke to p^seed returned, & intended this Morning to take y^e Tracks & p^sue y^e enymy, who went Northward, p^sbably are Canida Indians, & y^t p^sty w^{ch} in y^e French mans examination (sent frō Albany) were mentioned, viz .30. ready to come towards these pts vnder a cheife Indian called La Plato, wth 10. more to follow y^m & I suppose have bene about Dearefeild, but finding soldiers & r durst not attempt there.

This Morning y^e Raine p^svented Cap^t Coltons March after y^e enymy, early as he intended, But y^e man (who is come to me), tels me, that it clearing vp, he was getting ready & fitting to p^sue y^m, I Pray God they may overtake y^e enymy & haue good success ag^t them!

Sr y^e People at Qvabaug have sent to me by this man for advice whether to draw off or stay there, drawing off wil be Ruinous to w^t they have; staying may be hasardous & ruinous to their p^sons, They would draw off or stay according to order, Drawing off wil be a publike danmage as in other respects so in respect of y^e Road & for Travellers continueing there will cal for some men to keepe their fortification it may be about .6. or .8. may be sufficient: I request yo^r Excel^{ty} advice & order; & w^t yo^r appoint shal be exactly attended I vnderstand y^e Inhabitants are willing to be ordered one way or other, & til yo^r excel^{ty} Pleasure is knowne I intend only to appoint Cap^t Colton to leave .6. or .8. men, & so returne on Munday after he shal have finished his p^ssuit of y^e Indians w^{ch} I hope this day or to Morrow wil be over, & p^sbably yo^r may heare of y^e Issue or success of their p^sueing y^e enymy, by y^e Messenger y^t I shal order to bring this letter to yo^r excel^{ty}, before I can write againe: Pardon me y^t I mention it a 2^d time, That I request yo^r Excel^{ty} order for continueing or dismissing I meane calling of y^e Inhabitants from Qvabaug: I desire y^t w^{ch} is best may be done, & dare not determine it further then to leave some few of y^e soldiers 4. or .5. days or a weeke til yo^r order shal arrive me,

I am in al things desirous to doe y^e best, & therein am safe in having order where & when it may be had: w^t I haue acted in y^e releife of Brookefeild as aforesd, y^e Intelligence I had, I thought called me to it, & trust it will be acceptable to yo^r Excel^{ty} wherewth I shal conclud craving y^edon for my scribbling y^e Post fro^m Brookefeild whom I am hastning back enforcing me in some measure therevnto I am excelent Sr
yo^r excellencys faithful & humble servt

JOHN PYNCHON." — *Mass.*

Archives, vol. 30, p. 336.

In the same note, also, a brief extract is given from a letter, dated the first of August, from Captain Partridge to Major Pynchon, together with the latter's endorsement thereon transmitting the same to Governor Phips. This letter, which gives a further account of the later progress of Captain Colton in his pursuit of the enemy, is thought proper to be inserted here. It is as follows:—

"Hatfd* August 1 1693

Hono^{rable} Sr

Since yo^{rs} to Capt Cooke w^{ch} he handed to me & I to Derefd wee have (& yo^r self I doubt not) y^e accompt of Cap^t Coltons prsuite of y^e Enemy from Brookfd his returne & y^e success, w^{ch} from hence forward is matter of thankfulness, though y^e former in yo^{rs} Humbleing this Morneing early a post from Derefd gives accompt y^t besides 4 men sent out as scouts to lye out one night (Cap^t Whiteing & Cap^t Wells with about 30 of their men went up to Northfd on Munday last in y^e morneing, on y^e east side of the river intending tully to search those eastern woods of Northfd of these no returne as yet well if they light of those villans did y^e mischeife at Brookfeild & give y^m a 2^d brush &c; y^e former scout of 4 men w^{ch} returnd Since Cap^t Whiteing & Cap^t Wells went out give this accompt that betwixt Northfeild & Derefd they Light of new tracts w^{ch} they followd wide from y^e Rhod w^r they first discovered them & found w^r 20 men as they judged had Lodged on Sabath day night & Comeing further nere about y^e falls aboue dearefeild discovered tracts of as many comeing downward & after one in y^e path as if just before y^m they were apt to thinke y^e Company might be about y^e falls last night of w^{ch} I forth with gave warning to N H† & Hadly who are upon there Guard & proposed to Cap^t Clapp we might with 20 or 30 men scour y^e western woods: this night some of Hadly are getting ready its s^d if some come alsoe from N H I beleive this night some will out to discover & meete y^e enemy if any to be found, alsoe sent back to Derefeild that some there might Issue out to make discovery if possible But y^e maine buisness I thought meete to propose to yo^r Honor^s Consideration is this (it being y^e mynds. of sever^{ll} have caused me to Get Cop^{ll} Belding to Come down upon it) viz Wee are senceable y^e enemy are sett upon mischeife & in all likelihoods to doe it in small p^{tes} scattering y^mselves to alarme & doe small exploites wth y^e killing of men at their Labors & watchling for mischeifes w^r they can doe it wth most safetie to y^mselves, w^{ch} may prove verry pⁿicious to o^r weale & quiet besids the Loss of lives w^{ch} are most to be prized, Therefore Wheather for two months or thereabouts we might nott about 40 or 50 men well equipyed for such a designe to Range y^e woods & make it y^r work at all tymes to be out prsueing w^r they finde or heare of an approaching or moveing enemy, if Cap^t Whiteing can & will allow any of his men in this service or if they may be pickt out of y^e County it might easily be attained y^e numb^r afores^d but as to numb^r & nature & the whole buisness it is p^rsented but as a proposition & if I Remember Right our Gov^r & Counsell in their ord^{rs} & provision for o^r p^{rs} w^{ch} was sent March Last did favor such a thing if not to a great numb^r then y^e aboves^d & doubtless there will be as much needed now for 2 months or thereabouts as in all the year^s besides, yet desire to Leave all into y^e hands of y^e all wise disposer of all things who givs Limitts & bounds to all motions yea out of hell itselke Begging yo^r worships pray^{rs} & yo^r pardon for this boldness & Remayne yo^r worships much obliged servt

SAM^{ll} PARTRIGE." — *Ibid.*,

vol. 70, p. 195.

The following final report of the whole affair was made to the Governor, by Pynchon, on the same day on which he transmitted the letter he had received from Partridge:—

"Springfeild Augt 1st 1693

Excelent Sr

Last Night Cap^t Colton frō Brookefeild, wth y^e soldiers I had put vnder his command, came wel Hom, & supposeing yo^u wil expect an accot frō me of y^e enterprize, & because somthings occur y^t is of Publike concerne, I dispatch y^e Intelligence thereof by Post. Having in my last given yo^r excellency y^e accot of y^e attaqve of Qvabaug by some Pagans w^{ch} made me send him out vpon y^e y^esuit of y^m &c, I shal begin now wth y^e accot of his expedition frō Brookefeild alias Qvabaug, w^{ch} wil lead to whom were y^e assailants. on saturday y^e 29th of July, Cap^t Colton began his March out of Qvabaug about .10. of y^e clock y^t Morning (y^e Raine having detained him so late) wth .42. men wel resolved, having left .16. at y^e Garrison there, bec he knew not certainly y^t y^e Indians were drawne off: to make sure worke, went to Wolcots House, whereabouts y^e Enymy kept their Randesvons, found their Tracks to goe through Wolcots Lot, followed y^e same & finding it very plaine & y^e way good at first setting out, chearefully Im^pved it, soone came to y^e Place where y^e enymy tooke vp their Lodging first after they had done y^e mischeife at Qvabaug viz on thirsday Night last, w^{ch} was about Ten miles Northerly frō. Wolcots House, where they killed Masons child w^{ch} they had tooke away, y^e Mother as also young Laurence about 18. y of age, being then captives wth y^m, where after a very smale Halt, o^r men on y^e chase, came nextly to y^e Place y^e enymy as they suppose Dyned y^r next day their .2^d. day frō Qvabaug, there they killed a Mare of H Gilberts w^{ch} they had taken to carry their Loads, & there also they had broken y^e Drum taken frō Laur^e House

* Hatfield.

† Northampton.

‡ Sic.

§ Manuscript mutilated.

or Soldiers stil Psueing came to a grt Pond about .30. miles or more off Qvabang, wher they found y^e enymy Lodged y^t .2^d Night, Here they found a Hors of Masons killed, & fresh Tokens of y^m their Fire not out & r, w^{ch} Incouraged o^r Soldiers much, though y^e way now most Hideous, sometimes swampy, then stony & horribly Brushy scarce passable for Horses yet went about 6. or .7. Miles further y^t Satturday, all together, wth their Horses, But finding they could make noe riddance in such way wth Horse whom also for want of shooes began to be lame, Being set for y^e designe, They left al their Horses & men y^t could not foote it: .19. men Capt Colton dismissed or shortned his Number so many, ordering y^m to Bring y^e Horses after: The Capt wth y^e .23. most likely men Psueing y^e enymy on foote, lightning y^mselves of their Coates & w^{thout} vietaals, hastned away y^t If Possible they might come vpon y^e Indians before (or discover y^m in y^e) Night, But Night came before any Indiaⁿ could be seene or overtaken, & y^e Capt having gon .7. or .8. Miles very Briskly in Bad way after he had left his Horse, was forced to take vp lodging, not knowing How far off their Horses might be, y^t could scarce be got along in y^t extream bad way (tho y^e Horses came vp wthin .2. Mile of y^e foote y^t Satturday Night w^{ch} was y^e .3^d night y^t y^e enymy had bene gon frō Qvabang)

In y^e Morning being Lds day July .30th y^e Brisk Capt having men resolutely Bent, Psuading y^mselves they were nere y^e enymy & knowing their Horses would make a Lumber, tho he wanted his men, resolved not to stay, But sets out early & very Privately goes on in y^t dismal way, by y^t time he had gon about a Mile & halfe, came vpon y^e enymy in a most Hideous Thick Woddy place, where til wthin .3. or 4. Rods of y^m they discerned y^m not, til they heard y^m Laughing: Presently y^e Capt made signes to his few men, to come vp and compass y^m about, who did accordingly, about .10. of his men only just at his Heeles, y^e Place obscure, y^e enymy hardly to be seene having also cut downe Bushes to shelter y^mselves yet made shot vpon y^m as many of o^r men as had advantage, y^e Rest of o^r men also readyly coming vp gave their volly also, just as y^e Indians riss vp, being at Breakfast about sun a q^{ter} of an howre high, o^r men could not al make shot at once, those y^t at first had not opportunity did it at y^e Indians beginning to Budge away, none of o^r men failing: & y^e Indians not knowing or discerning y^m til y^e Bullets were in some of their Bodys, & others of y^m alarind by y^e volleys o^r men gave Run away, not having opportunity to fire on o^r men, y^e Capt says y^e enymy fyred but one Gun, tho some of o^r soldiers say another was fyred & y^t y^e Indian Qvivered so y^t he could not hold his Gun steady: However they al Ran away y^t had life to doe it, p^{re}sently at an Instant, & in to such a hideous Thicket y^t o^r men could not se or find an Indian more: o^r men killed foure of y^m certaine outright w^{ch} y^e Capt saw & is snre of, others & most of y^e soldiers say there were .6. killed outright wth one y^t being wounded, one of o^r men run vp to and dispatched wth his Hatchet

they have noe Powder for any occasion & their [p*]vision & plunder left Many of y^m were sorely wounded & noe doubt run into Holes to Dy, for o^r men say y^e Brush in many places was Bloody w^{ch} it was hardly Possible to goe in, or make discovery & Capt Colton says he saw Blood on y^e ground as wel as Bushes: The Indians ran away so suddenly being surprized that they left their Powder & Bal, some Judge al, not having taken it into their hands y^t Morning, though some of y^m snateht vp their Guns. also the scalps o^r men got from y^m & burnt them o^r men brought away .9. Guns .20. Hatchets .4. cutlashes .16. or .18. Hornes of Powder besides .2. Barkesful neatly covered about .16 or .26 in a Barke: o^r men here regained o^r .2. captives y^e enymy caryed away, Masons wife & young Laurence, & so returned bringing y^m Back in safety: Leaving Plunder w^{ch} they made vnserviceable not being able to bring it off: vpon their returne they met their Horses come vp wthin .2. miles of y^m: But it was not Feazable to goe to y^e Place wth y^m, & so returned noe more thether

The Relation of y^e woman Masons wife (for y^e young man was tyred amased & Dul) who is a lively & Intelligent woman is That these Indians y^t were at Qvabang were only .26. of y^m: foure more of their company at first, went of frō y^m say they belonged to Canida, were frō Pemaquid: Designed to fall vpon Nashaway but y^t .2. of there scouts whom they sent thether, brought y^m word They were there watchful & in a careful Posture, whether they were there or noe some of y^m Qvestioned, they fell out about it, could not agree whether to goe, were stranger, & somt at a loss

at last vpon a high Hil climbing to y^e Top of a Tree they discovered a house (w^{ch} if so must be Laurences) so bent their way to Qvabang

Lay about y^t Place six days, & at last did y^e Mischeife, would not goe nere y^e Fortification, told Tho Laurence If he won'd tel y^m truly w^t men were in it, they would spare his life. He told y^m .6., Then p^{re}sently they knockt him downe & scalped him: she says her husbd having noe weapon beate y^m off wth his hand only a grt while til they cut his hand, & they were very cowardly afraid to meddle wth her, y^t If she had any weapon she thinks she might hane made herescape: many things she had of y^m one of y^m speaking good English as y^t an Indian called Capt John was a Rouge to y^m & they wisht they could come at him to cut him in Peices & r

They told her y^t y^e Canida Indians had bene at Dearefeild above .2. Months since and done Mischeife there, when they se y^e English there goe agt their owne Indians, & y^e English suspected their Indians, & had Imprisoned .2. of y^m, though y^e mischeife done there was by Indians y^t came from Canida who Presently returned after they had done y^t Mischeife at Dearefeild & were al got safe hom to Canida w^{ch} I much wonder at & at anoth thing one of y^e soldiers a smith of N H: says y^t one of their Hatchets he knows, wel y^t he made it about a yeare agoe: They Inqvired of her w^t was become of y^e Indians in Prison she answered y^m shee knew not (for Indeed y^t day they were in Prison)

They told her they would keep y^e Lad yovng Lau^r: to carry their Burdens to their cannoes & then would kil him, for they should goe .5. or .6. days on water & over a grt lake like y^e sea: y^e last Night w^{ch} she was wth them they told her they were wthin a day & halfe or .2 d Journey of their cannoes, & now they cared not If 200 english came after y^m in y^t Place, it was such a place y^t they should there kil y^m al, y^t came to y^m, &

Indeed it was a dangerous place for or men if Gods Pvidenc had not ordered it, yt y^e Indians saw y^m not, til y^e english yt went silently were vpon y^m & fyred first, to there amasemt in being so surprized yt they run frō there armes & amunition: Tis God & not or .20. men yt hath done it, to him be al y^e Praise, who orders things wel for vs remem-
 bring mercy in y^e midst of Judmt
 I am to tedious, Pdon y^e same, & accept of my real desires to be serviceable in rendring y^e best accot:/ The woman being left at Qvabang y^e soldiers Horses being Lane &r they could not bring her of; I haue al frō others, not having spoken wth her myselfe: I suppose y^e constable himse* (for want of a ready hand) will be y^e messenger: he may give accot of some Pticulars yt I have missed & I direct him to speak wth y^e woman, & acquaint yō If any thing more: y^e People at Brookfeild desire a Garrison or to be fetched off I waite yor pleasure & am

yor excelencys humble servt
 JOHN PYNCHON." — *Ibid.*, p. 197.

The following passage in Sewall's Diary gives the approximate date of the receipt, at Boston, of the tidings of this successful encounter:—

"Aug. 4, 1693. . . . Capt. Colton's overtaking the enemy who did the Spoil at Squabaog July 27, and killing 5 or 6 of them, bringing back 2 Captives, &c. comes to our hand just now about." — *Vol. I.*, p. 381.

The subject of compensating Captain Colton and his men for this exploit came up for consideration in the next Assembly, when the following preamble and vote were passed in the House, and sent up for concurrence:—

"Forasmuch as Captain Thomas Coulton of Springfield with a detachment of about Sixty men lately did considerable Service against the Indian Enemy, at the time when they committed an outrage upon the Inhabitants of Quabaog alias Brookfield And it being necessary to give meet Encouragement to such Adventures and succesful undertakings. It's therefore moved by the house of Representatives that his Excy and Council would please to Order that there be paid out of their Majties Treasury of the Province unto the Officers and Souldiers then Employed as a Reward of their good Service, vizt the Forty men that pursued the Enemy, the Sum of *Forty* pounds, and the plunder recovered from the Enemy to be equally Shared amongst them, over and above the Stated pay.

Boston P^m: Decem^{br} 1693 voted & passed in the Affirmatiue and sent vp to his Excl the Gouer: & Council for yr Consent & Concurrence

NATHA: BYFIELD Speaker." — *Mass.*

Archives, vol. 70, p. 216.

As originally drawn, the "forty" in Italics in the above vote was written "ten;" and between the words "pounds and" were the following: "*per head for Four Indians* which they kil'd." The following clause was written upon a separate paper and in a different hand:—

"and that the twenty Soldiers who remained in Garrison at Brookfeild bee allowed the summe of ten pounds money to bee equally divided amongst them." — *Ibid.*

Chap. 12. This chapter is from council records, vol. VI., p. 318. It has not been found in the archives.

Permission to begin a plantation north of the Merrimac was granted by the General Court of the colony in September, 1638, to Simon Bradstreet and his associates. The next year the actual settlement was formed and the General Court named it Colechester. Highways were immediately laid out and constructed and a division of the land among the members of the company was begun.

One of the early settlers of Colechester, which name was changed to Salisbury in 1640, was George Carr, a shipwright, who had been an inhabitant of the town of Ipswich for some years previous. In the Merrimac River, between Salisbury and the town of Newbury opposite, are two considerable islands separated by a narrow passage, of which the larger and westernmost, being actually occupied by Carr, was assigned to him by the following vote of the town proprietors, though it subsequently appeared that the General Court held that neither of the islands was included in the grant to the original planters:—

"Att a generall meeting of the ffreemen the 3^d of the 5th mon: 1640 It was ordered yt George Carre shall have the Iland where he now dwells: as well, Marsh as upland it being the greatest Iland wthin the Towne bounds in the river Merimack; wth his 3 Acre house Lott more or less lying upon the est of M^r Winsley house lott & upon the weast of M^r francis Dones house lott for the whole of his first Division." — *Salisbury Town Records*.

For four or five years after the first settlement it seems that no ferry between Newbury and Salisbury was established by authority, although "the highway leading to the ferry" — probably at Carr's Island — is mentioned in the town records as early as 1639. At a county court held at Ipswich on the twenty-fourth of September, 1644, the following order† was passed:—

"George Carr is appointed to keepe y^e ferrie att Salisbury att the Iland where hee now dwelleth for y^e space of three years Pvided yt hee finde a sufficient horse boate & giue dilligent attendance

The ferries are as followeth vnder

| | | | | | | | | | | | | |
|--------------------------------------|---|---|---|---|---|---|---|---|---|---|---|-------|
| ffor a man p ^r sent pay†— | . | . | . | . | . | . | . | . | . | . | . | 3[d.] |
| for a horse | . | . | . | . | . | . | . | . | . | . | . | 8[d.] |
| for great cattle | . | . | . | . | . | . | . | . | . | . | . | 8[d.] |
| Calues & Yearlins | . | . | . | . | . | . | . | . | . | . | . | 3[d.] |
| goates | . | . | . | . | . | . | . | . | . | . | . | 2[d.] |
| hoggs | . | . | . | . | . | . | . | . | . | . | . | 3[d.] |

* *Sic.*

† This is from a copy of a copy attested by Samuel Symonds, recorder of Ipswich Court, and Thomas Bradbury, recorder of Norfolk County Court.

‡ That is to say, cash down.

If present pay bee not made yt hee must booke* any ferries then a penny a peece more
If any bee forced to swimme over a horse for want of a great boate they shall pay nothing." — *Mass. Archives, vol. 121, p. 1.*

Before the expiration of the three years' limit in this grant to Carr, Tristram Coffin of Newbury succeeded in getting the following authorization from the General Court, to share this monopoly with Carr:—

"May 26, 1647. The Corte doth grant Tristram Coffin to keepe an ordinary at Newberry, & to retayle wine, paying according to ord^r; & also he is granted liberty to keepe a ferry on Newberry side, ovr Merrimack, when the interest of George Carr shalbe determined, & yt Georg Carr shall have libty to keepe his boate going on Salsberry side." — *Mass. Colony Records, vol. II., p. 194.*

This competition proving injurious to Carr, he appears to have moved the town and the Legislature for redress. It is certain that both the town and the Legislature agreed that the latter had the right to dispose of the two islands above mentioned, since, on the petition of the town, in May, 1648, the larger island, already granted by the town to Carr, was formally granted to Salisbury, and the smaller island was "reserved for the country's use." This vote or ordinance also conferred on Salisbury the right to maintain a ferry. It runs thus:—

"May 10, 1648. Upon the petition of the towne of Salsberry, the Corte conceive it meete that the little iland in Merrimack be reserved for the countreyes use, & the greater iland to be given to the towne of Salsberry, reserving a sufficient high way for passage of men & cattle, & that the towne may have liberty to keepe a ferry on their side." — *Ibid., p. 246.*

On the twenty-ninth of the next month the town, acting under the authority thus conferred, passed the following vote:—

"Att a gen^l meeting of the ffreemen the 29th of the 4th mo: 1648 It was Ordered that M^r Sam: Dudley, M^r Sam: Hall & Willi: Partridge shalbe joynd to the prudentiall: men for the settling of the fferry &vided they exceed not the space of seven yeare." — *Salisbury Town Records.*

This vote was followed on the eighteenth of December by an order granting the ferry to Carr; viz.,—

"Aliso it was Ordered that M^r Carr should have the fferry for fourteene yeares: uppon the termes agreed on by those men appointed to dispose of the fferry." — *Ibid.*

On the second of February following, the town authorized Carr and Isaac Buswell to apply to the inhabitants of Newbury to lay out their proportion of a way "from the island to Mr. Clark's farm."

Having secured the exclusive privilege of running the ferry as against any other inhabitant of Salisbury, Carr now applied to the General Court to be restored to his former monopoly on both sides of the river. The Court while declining to grant this request, extended to him the privilege of ferrying passengers from, as well as to, Newbury, besides granting him the use of the smaller island so long as he should continue to properly run the ferry. A similar privilege with regard to ferrying passengers from Salisbury was extended to Coffin, who still remained the ferryman on the Newbury side of the river. These proceedings are thus recorded:—

"May 5, 1649. Receaved a peticoñ from George Carr, ffor the settling the fferry at Salisbury wholly on himselfe.

In answer thereto, the Courte conceaves it meete, and graunts that the petitioner, Geor^g Carr, shall have the vse of Ramm Iland so long as he doth or shall dilligently attend & serve the country in keeping of the ferry betweene Salisbury and Newbery, and liberty is graunted him, as occacon shall &sent, to fetch any passengers from Newbery side, and Mr Coffyn hath liberty to fetch any passengers from Salsbury side, as occacon shalbe, that so the country may be surely served." — *Mass. Colony Records, vol. III., p. 155.*

Not satisfied with this decision of the General Court, Carr, during the same session, renewed his application for the exclusive control of the ferry. Upon this the Court referred the subject to the decision of the next county court to be held at Salisbury, as follows:—

"May 7, 1649. On a 2^d motion of M^r Carr, the Courte judgeth it meete that the fferry remaynes as now it is till the next Courte at Salisbury, against w^{ch} time experience & sufficient reasons may so appeare to the next Salisbury Courte as whereby they may judge and determine of the settling and disposing thereof, either to one, the whole, or to both, as it is, or they shall judge may best tend to the ease of the country, to whom this Courte conferrs power to determine and order accordingly." — *Ibid., p. 157.*

At this stage, Carr proposed to the county court to connect the large (or Carr's) island with the Salisbury side, by a floating bridge, at his own expense, in consideration of having restored to him the exclusive right to run the ferry and enjoy the profits. The terms of his proposal are shown in the following order or decree of the court, entered at Salisbury, April 9, 1650:—

"Whereas by an ord^r of y^e Gen^l Court bearing date May 1649. It is left to y^e Determination of y^e next Court to be held at Salisbury for y^e settling & Disposing of y^e ferry there according to w^{ch} order y^e said Court at Salisbury Doth thus Dispose of y^e said Ferry first yt It shall Remain as it is att this present in disposing of y^e Town of Newbury & y^e Town of Salisbury for some space of time viz. Until there be a Bridge made over from y^e main to M^r Carr's Island over y^e northernmost branch of Merrimack River. And Whereas George Carr doth here undertake & Promise in y^e Open Court for himselfe his heirs & assigns to make a sufficient bridge five foot wide with three strong Rails on either

* In other words, charge it, on account.

side from one end of y^e Bridge to y^e other wth sufficient Causways in height above y^e high water mark Joyning to Each end of y^e Bridge y^e Causeways not Exceeding six Rods at both [ends] That passengers may pass & Repass drie to & from y^e Bridge: and y^e same Bridge y^e said George Carr his heirs & assigns shall continually maintain in good Repair for & in Consideration whereof this Court doth settle & Dispose y^e whole ferry on both sides of y^e River to y^e sd George Carr his heirs & assigns from such time as y^e said Bridge shall be Built & Finish'd & so long as it is sufficiently maintained & repair'd & no Longer — Provided always that in case y^e bridge be in Decay (20.) days without being repair'd if y^e season will permit notice being given him under y^e hand of some magistrate of y^e Decay of it Then The said Ferry shall return again to Newbury & Salisbury as it is now at present and y^e sd George Carr Doth farther Engage himselve his heirs and assigns to Keep sufficient boats for y^e use of y^e Ferry. While at any time y^e Bridge shall be in repairing as before Express't and at all times for y^e southermost ferry so as no Damage Come to y^e COUNTRY nor any particular person by y^e Default of him y^e said George Carr his servants or Tenants & for y^e prizes as it was last concluded of at Ipswich Court; it is left to three magistrates to Give Longer time for y^e repairing of it than is above Expressed if they shall think fit and in case y^e bridge fall downe then y^e ferry shall return as at present to Newbury & Salisbury untill such time as y^e bridge be built again

Entred in y^e County Court
records for Norfolk page 13th.

GEORGE CARR.
THO. BRADBURY

THO: BRADBURY Rec." — *Suffolk Court Files*.

The court, at the same time, passed the following order adopting and continuing the rates of ferriage established by the county court at Ipswich, in 1644:—

"The order of Ipswich Court concerning y^e prizes of Salisbury fferrie made *Anno*: 1644 apeareing to this p'sent Court: This Court doth allow of the same; & doth farther Order yt y^e said Order shalbe recorded in y^e Court [Records belonging to*] y^e County of Norfolk." — *Mass. Archives, vol. 121, p. 23*.

Carr seems now to have applied himself to the task of building his bridge,—a work of immense labor considering the rudeness of the tools and other mechanical contrivances then in use, and requiring a comparatively large outlay of money.

Upon the completion of the bridge, the course of travel for the greater part of the year would lie over it and across Carr's Island to a ferry-landing on the south side, whence boats would ply to the Newbury side and at which passengers going north would leave the ferry. The old course of the ferry-boats seems to have been through the gut or passage between the islands, for which route the direct way had been preferred, across the island, either by means of boats between the island and the shores, or on foot over the ice when the river was frozen over. This route was convenient to Carr, since it ran past his homestead on the island. When the bridge was completed it would become the preferable way for all travellers, and, in order that there might be no diversion by running the ferry-boats from Newbury on another course while the bridge was building, the legal voters of Salisbury, on the twenty-eighth of February, 1652-53, took the measures shown in the following entry in the town records:—

"Att a gen^l meeting of ye Towne of Salisbury It was ordered that Jno: Severance & Willi: Partridg shall signifie unto y^e Towne of Nubery that or desiers are to have y^e ferry settled, where the former passage was to goe through ye gutt so long as it is passible: & when yt way is shutt up to have the passage over ye grat lland: as also that ye two men before mentioned shall have power wth y^e Townsmen of Nubery, or whom they shall appoint to lay out ye Contry highway between their townne, & o^rs according to ye gen^l Court Order." — *Salisbury Town Records*.

Towards the beginning of the summer of 1655 the bridge was nearly completed. This circumstance seems to have excited the fears or provoked the open hostility of some who had evidently doubted the success of the enterprise. The only objection which was sufficiently plausible to be urged against the bridge was that it would offer a barrier to the passage of hay-boats along that part of the river which it spanned. Accordingly, a petition setting forth the danger of this inconvenience was presented to the General Court, whereupon the Court passed an order empowering the county court next to be held at Hampton to require Carr to so construct his bridge as that it might be swung open during the month of September, yearly. The following is the record of this order:—

"May 29, 1655. In answ^r to the peticoⁿ of seuerall inhabitants of Salisbury, itt is ordered, that the bridge George Carr is building & providing for one part of Sallisbury Riuer, being in such forwardnes, should continew, and maybe improoved for publicke good, and the next County Court at Hampton is heereby impowered to order the same, so that the transportacⁿ of the peticoⁿers hay be obstructed as litle as maybe, and that the said bridge be lett fly for the month of September, that so the peticoⁿers may haue due tyme to transport theire hay wthout any lett or hinderance dnring that tyme; and the said George Carre is to keepe a sufficiyent ferry boate on that side." — *Mass. Colony Records, vol. IV., part I., p. 231*.

At length the bridge was completed, and, on the twenty-ninth of June, Carr invited some of the leading townsmen of Salisbury, including the minister and the county recorder, to witness the success of his efforts, and, if satisfactory, to report to the authorities of Newbury that he had fulfilled his covenant and was entitled to the sole use of the ferry. This certificate was promptly given, and ran as follows:—

"Gent. & respected ffrinds Wee whose names are here under written being desiered by or loveing neighbor M^r Carr to take view and notice of y^e bridg w^{ch} y^e said M^r Carr hath now built over y^e northermost branch of Merimack River from y^e mayn to this lland according to a covenant made between the court held at Salisbury & the said M^r Carr:

* Manuscript mutilated.

wee do finde y^e bridg now at this p^rsent finished according to y^e said covenant, & according to y^e request of him the said Mr Carr, wee make bold to signifie y^e same unto yo^rselves that it may please your town as they have formerly appointed a ferry-man to keep the ferry on your side that now you would discharg y^e sd ferry that so Mr Carr according to y^e court order aforesaid may peaceably enjoy y^e whole fferry

June y^e 29th 1655.

THO: BRADBURY Rec^r of the County
Court of Norfolk.

WILLI: ALLIN.

WILLIAM WORCESTER

JOHN CLOUGH." — *Salisbury Town Records.*

To put the fact of the fulfilment of his contract beyond question, but one thing more remained to be done; and that was, to secure the approval of the county court. This was accomplished on the fifth of July, when Carr had the happiness of welcoming to his house on the island the presiding magistrate of the courts of old Norfolk County on his way home to Ipswich. The judge, who, with his attendants, all mounted, had ridden safely and comfortably across the narrow bridge, immediately prepared the following certificate apparently intended for Thomas Bradbury, the recorder of the county, who had already anticipated the action recommended by the judge, in the certificate of the twenty-ninth of June printed above:—

"5th month 5th day 1655. Upon this day upon my return from the courts of Dover and York, I came with divers other horsemen that were with me over the float bridge of Mer-rimac River which George Carr hath built and I find it fully sufficient for passage both for men and horses, so that the former order of Salisbury court in reference to the bridge to be built by the said George Carr and especially the last order of the General Court considered, I do clearly apprehend that the usual benefit of the ferry on either side doth of right henceforth belong unto him and therefore the other ferryman is hereby required to cease his ferriage usually unless he be employed by the said George Carr and for his use. I conceive it is not amiss that you acquaint the selectmen of Newbury and Salisbury with this that so they may be assistant to the Court order if occasion shall require.

SAMUEL SYMONDS." — *Ibid.*

From this time forth, not merely for the remainder of the fourteen years of his grant from the town, but as a perpetual franchise, under the order of the General Court in May, 1649, and the determination of the county court in April, 1650, Carr enjoyed the exclusive right to convey across the river, passengers, stock and merchandise, between Newbury and Salisbury. Besides Coffin's, other ferries had been started further down the river, landing usually at Ring's Island, on Salisbury side; but these now ceased, in accordance with the general understanding of the meaning of the orders of the Legislatures and of the county court.

The success of this undertaking gave Carr increased prestige with the General Court, from which he soon received, as a token of appreciation of his services to the country, a grant of the fee of Ram Island. The original vote, unabridged, ran as follows:—

"This Court doth Grant the Inheritance of Ramne Iland to m^r Georg Carr & his heires for ever. the magists haue past this wth Referenc. to the Consent of their bretheren. the depts heere to: /

22 Novembr 1655.

EDW. RAWSON se^cret

Consented to by the deputies

WILLIAM TORREY Cleric." — *Suffolk Court Files.*

These were not all the favors bestowed upon Carr by the General Court. In October, 1660, on his petition, the bridge was exempted from assessment for "the county and town rates," so long as it "continues;" and he was granted one hundred and fifty acres of land, to enjoy for the same period. This exemption was qualified by an explanatory order, passed on his application in May following, by which he was declared free of all taxes, except for the maintenance of the ministry, "by reason of the benefit that accrueth to him" from the ferry and bridge,* and that the bridge itself should not be assessed at more than thirty pounds, he allowing the minister of Salisbury and his family to pass and repass by the ferry, free of tolls.

Eight years later, Carr presented to the General Court a petition, which, together with the Court's order thereon, is given below:—

"To the Reuered Governer Deputie Gouverner Magistrats & deputies of the Generall Court now Assembled at Boston octo^b 24: 1668; The humble moshon of George Carr of Solsbery =

Humbly sheweth: That in may, Ann: 1649 = By reasen of the Contryes Dammage for want of ready passage over Solsbery river; The honored Generall Court did then recommend it to the care of the Courts in Northfolk, Giving them full power to determine & settle the ferries of that sayd River for the good of the Contry: And vpon much debate & deliberate consideration The sayd Cour[t] was pleased to settle the sayd fferries vpon your poore suppliant; But vpon such a Condition as was A great Benifit to the Contry (as is well knowing) Though very chargable to your sayd suppliant viz To build & erect a bridg, over a large Branch of that sayd river of five foot wide, and sufficiently to be rayled one both sides, wch did Cost your sd suppliant about 2 [0 ?†] And now of Late your poore suppliant haue binn at a great Deale of further charge to p^rpare stuff to strengthen that sayd Bridg (because the sayd County Courts & order of the Generall Court did state & settle those sayd ferrys vpon your sayd suppyant as & their order doth appeare) Now [not†] withstanding this former charge in buildg the sayd Bridg, & the [†] charge for further repetitions: It was the pleasure of Capt Rob[†] (to overlooke the sayd Court orders which did settle the sayd ferrys vpo[n†] your sayd suppliant: vpon the conditions as abovesayd) & to take his opertuntie towords the latter end of the Generall Court last (when [the†] perty Concerned was not p^rsent to defend) To git a liberty

* That is, that he should be exempted from any tax on that portion of his income.

† Manuscript mutilated.

or order a cheef pt of this sayd ferry to be taken away; Therefore your poo[r*] suppliant doth humbly present his case to the honored courts considerati[on*] Beging their favour in this his distress./ And if it should be thoug[ht*] fit & of nessesity by the honored Court that ther must be a ferry in that pt of the sayd River: your poore suppliant at that very place haueing ground sufficient for a family: he is willing to order one of his owne sonns (a man growne) to keep the same But to haue it ordered away from him: after purchased at so high a rate as aforesd, that your sayd suppliant doth much scruple; All which he humbly leaveth vnto the honored Courts plesure subjecting himself to their determination Who doe & shall for ever pray for your Continved prossperity and [*]

Yours in all humble subm[ission*]

GEORGE CARR/

In answer to the petition of George Carre, the deputies on p[re]call of the same, together wth severall Court orders refferinge therevnto & also such Allegations as the petr p[re]sents of what charge he hath bin at in erectinge of a bridge, vnderstandinge also that the sd petr hath convenient accomodation of land, at or neere the place where the new fferry is to be kept, Judge meete, & this Court doth hereby Advise the Court of that Connty, to whom It was refferd, that in regard It is not disposed of for longer then one yeare, that the sd fferry may be stated vpon the sd Carre, he keeping of It and vpon as equall termes as any other will doe the deputies haue past this desireing the consent of or Honrd magists hereto

WILLIAM TORREY *Cleric*

27 (8) 1668 Consented to by the magists.

EDW: RAWSON Sec^{ret}. — *Mass.*

Archives, vol. 121, p. 48.

Within two years of this last order Carr made the following application for a further grant:—

“19: 3: 70:

The Humble desire of George Carr sen^r unto the Honoured Generall Court now asambled at Boston

Sheweth

That wheras there is a Covenant by order and act of the Generall Court that I the saide George Carr, my heires &c am to make and maintaine a Bridge for passage as alsoe a boate upon Salsberrie and Newberrie River for fferiage wch saide Bridg hath beene Erected and maintayned as alsoe a Boate acording to Covenant wthout Complaint, Now soe it is that upon ocasion of a New towne Erected now Called Amsberrie there is another fferrie Erected and was improved for a time at a Lower rate then Can be aforded that is to say at two pence p man and foure pence p beast the thing not being worth Lesse then Nine pence p both and acording to what he that was Employed therein Confeseth who also saith that if he might have tenn pounds more then the proffitt he would not Ingage thereto besides this fferrie Cannott be for the whole yeare, but only for the sūmer, yo^r Complainant hath beene at verie deepe Charge as doubtlesse is apparent, doth humbly declare himselfe to yo^r Honoured selves, that as it is Contrarie to Covenant (as he Conceives) it being still Salsberrie and Newberrie, how Ever now a pt Called Amsberrie that the agreement and order of the Generall Court is still in force and noe new fferrie to be Erected wthout his Consent and profit thereof

furthermore whereas formerly I have beene satisfied by the Treasurer for the magistrates deputies &c Now they would Exemt them by wch a deep Losse is more imposed upon me, moreover my Request to the Honoured Court is that whereas acording to agreement there is one hundred and fiftie achers of Land alowed, and not as yet received onely there are two small Islands Called by the name of Deere Iland and Eagle Iland Containg ten Achers and 28 Rodd both, wch if the Honoured Court see good to alow them in pt it shall be accepted by me Soe nott Doubting of yo^r honoured selves in a iust redresse ffor whom I shall for Ever be obliged and pray. yo^{rs}.

GEORGE CARR.” — *Ibid.*, p. 52.

In signing this petition his wife appears to have joined, but her signature was cancelled before it was filed with the Secretary.

The deputies deemed it proper to postpone action upon this petition until after the town of Salisbury had had an opportunity to be heard thereon. This appears by the following memorandum at the foot of the petition:—

“The deputies Conceiue that the former pt of this p[et] relating to the fferry hath bin already settled, & as to the Confirmation of the Ilands, they Judge meete It be respited vntill the next session of Court & that Salisbury haue due notice giuen them of this order, to Attend the Court if they se cause with reference to the Consent of or Honor^s magists hereto

WILLIAM TORREY *Cleric*.” — *Ibid.*

That the town received due notice of this application appears by the following order, which was passed two years later:—

“May 15, 1672. In ans^r to the petition of the inhabitants of Salisbury, as also that of Mr George Carrs, it is ordered, that Deare Island & Eagle Island, petitioned for as to the propriety remajne the countrys, the timber & trees to be for Georg Carr for the vse of the bridg, till this Court take further order; the herbage of them, wth liberty to cutt doune brush & vnderwood to make pasture for sheepe, to be to & for the vse of the sajd toune of Salisbury.” — *Mass. Colony Records, vol. IV., part II, p. 530.*

With his petition Carr filed the following certificate by the “lot-layer” of Salisbury, showing the area of the two islands, according to his measurement:—

“may the 17 d — 1670 I requested bey mr Carr too marser tow Illedes that was caled eagel illand and deare illand wich was ten eackeares and 28 rod or thar aboytes I say measerd bey me,

witnes JAMES CARR.

WILLIAM BUSWEL

lott layer.” — *Mass.*

Archives, vol. 121, p. 52.

* Manuscript mutilated.

In the mean time Carr's right to the exclusive control of all ferries between Newbury and Salisbury was affirmed by the General Court in the order subjoined to the following petition relating to the ferry across the Merrimac, above Powow River:—

"To the Hono^{rs} the Go^{vt}no^r, deputie Go^{vt}no^r, Assistants & Deputies in Gene^l Court assembled, May 19th 1669:/"

The petition of George Carr Senior

Humbly shewing That According to Agreem^t made with the County Court at Salisbury. by virtue of power thereto derived from the Gene^l Court Sitting in the moneth of May — *Anno Dom* 1649 (as by the records thereof may appeare) Ingaged for himselfe & Successors to provide passages for Traveller^s over Two branches of merrimaek river, by p^rformance whereof yo^r petitioner hath laid out a great part of his estate in Sundry Rodds of made wayes on Land, with a Floate-Bridge above Two hundred & seventy foot, with y^e faule, in length. Besides Boats & Servants to attend them on all Occasions. And all this on Conditions following: First. The benefit of the fferry on both Sides. viz^t Nubery Side & Salisbury Side: Secondly, that the passenger^s (without any exception, of any order or Degree of men) to pay for each man III^d for each horse VIII^d for great Cattle VIII^d p^r head, Calves & yearclings III^d p^r head, Hoggs III^d p^r head, Goats II^d p^r head p^rsent pay, & if Booked a penney on each head more then aforesaid (as by Recoard may appeare, notwithstanding w^{ch} Agreem^t yo^r petitioner hath been, & is like to be much dammified & Disappointed of his Covenant in Sundry respects vnless releife from this Hono^{rs} Court be seasonably to him extended; first, the payment for Sundry the Honord maiestrats C^rt. is after sundry yeares Discharged thereof by the County. now of late since Aprill Court at Salisbury in 69: is denied upon y^e Law. titl^e Ferries. of the law the Agreem^t is wholly Silent, & to be abridged there by after XXIII^l or XXV yeares enjoym^t is altogether beside & beyond yo^r petitioner's expectation: Secondly there is another fferry satt up in y^e yeare 68: ouer Merrimaek river w^{ch} doth & may take away many of yo^r petitioner's passenger^s Especially in y^e Summer Season where as in the winter they are not able to Serve the Cuntry but my ferry is then and at all times passable, though with much charge to yo^r petitioner, w^{ch} new ferry if not put downe yo^r petitioner shall be made vnab^e to uphold his ferry by reason it will be a diminucion to his estate. Thirdly. The minister of Salisbury. (without the Consent or Knowledg of yo^r petitioner) by the Gene^l Court (as is alledged) in the yeare 1661 made ferry free wth his family from time to time, w^{ch} beside the dammage to yo^r petitioner & his posterity may prove presidentiall for future diminutions of yo^r petitioner's right on the account of fferriage. w^{ch} hath been & is maintained usfull though by my great expence as a fore said: /w^{ch} what it hath been & now is in part obvious to all. & how conveniently stated for the use of the Cuntry & carefully Attended for the Comfortable & Speedy accomidation of passenger^s many of this Hono^{rb}l Court doth know. The p^rmisses Considered. The humble petition of yo^r petitioner is, that some speedy redress may be to him extended, as in yo^r wisdom yo^u shall judg just & Equall,

Soe shall yo^r petitioner be bound, as duty binds him dayly to pray for yo^r p^rsperity: /
Yours humble Seruant

GEORGE CARR

In answer to this petition. Having heard Geo Carrs allegations & p^rused severall court orders referring to y^e case: We conceive that the Petitioner ought to haue his covenant made good according to y^e order of Salisbury Court. 9th 2^d M^o 1650 to haue y^e whole dispose of y^e sd ferry on both sides of y^e River, There being noe complit of deficiency of y^e Bridge or of Carrs attendance by Boates or otherwise, But contrarywise desires from severall select men of y^e continuance thereof in his hands, & therefore can se noe ground to allow of y^e setting vp another ferry [there to y^e p^rjudice of y^e Petitioner: And as to his Allegation of Magistrates freedom fro^m feridge we find yt y^e Law p^rviding for y^t, was before Salisbury Courts Letting of y^e ferry to Carr, & therefore if that court haue made noe p^rvision about it, we suppose it must fall vpon y^t County to beare & allow Carr what is Justley due for such feridge or passages.]

May 25: 1669

JOHN PYNCHON
EDW: JOHNSON
WILLIAM PARKE

The deputyes approue of the returne of the comittee to the lines drawne with this Addition, 'there but Judge liberty may be graunted to sett vp a fferry or fferryes in other places on that riuer vse full for the country & for liberty of magistrates & deputyes to pass fferry free as it was by law settled before the agreement he made about the sd fferry & which he excepted not agaynst then, se not any reason why he should be considered about It now & all with refference to the consent of or honord magists hereto'

WILLIAM TORREY Cleric.

Consented to by the magists. and that the sayd George Carr haue the refusall of keeping the fferry at or abt Powwaws riuer he keeping & Attending on it for the case of the Country & on the same termes that it was granted to him y^t now keeps it by order of y^e county court at Hampton or Salisbury: their brethren the deputyes hereto Consenting. =

26. may 1669

EDW: RAWSON Secret

Consented to by the deputyes

WILLIAM TORREY Cleric." — *Ibid.*, p. 49.

Near the close of King Philip's war the General Court, impressed with the importance of keeping open this gate to the eastern country, — through which soldiers, both foot and horse, were frequently passing and repassing, and the convenience and security of which was an encouragement to settlers north of the river to remain on the frontier, — passed the following vote establishing a garrison for its defence:—

"May 5, 1676. In answer to the request of George Carr, Señ, who keepes the ferry ouer Merrimaek Riuer, the securing whereof for the comon passage of poasts, souldiers, & travellers, & variety of other occasions, is of very great concerment vnto this colony, which, if neglected, may proove eminently p^rjudicial & dangerous to the country in gen-

erall; for preventing whereof, it is heereby ordered by this Court, that the said Carr, shipwright, shall have a garrison, & the full number not exceeding seven men, free from impresse, provided the said Carr doe mainteyne his garrison & the said men at his owne propper & peculiar charge, and those seven men be constantly kept for the security of the ferry, & the names of those persons so improoved to be returned in to the major of that county." — *Mass. Colony Records*, vol. V., p. 89.

Thus encouraged by the General Court, and largely patronized by settlers in the neighborhood as well as by the increasing number of travellers between the Bay and its eastern frontier, and being especially convenient for the passage of soldiers sent to defend the frontiers, the ferry proved to Carr a veritable bonanza, — enabling his children to marry into families of comparative affluence or superior rank, and largely increasing his estate. Upon his decease, which occurred April 4, 1682, his effects, personal and real, were appraised at from eleven hundred to fourteen hundred pounds, which, in New England at that time, was exceptionally large. "The great ferry on both sides of the island, and the bridge and privileges thereunto belonging, with three acres and a quarter of land, as it is bounded on both sides of the ferry lane," (appraised at four hundred and five pounds) were assigned to two of the sons of the intestate, Richard and James, by a committee which was appointed by the county court to make a division of the estate.* These two sons of the old ferryman seem to have agreed that James, alone, should attend to the ferry.

The site of the old ferry was well chosen. On the Salisbury side it was at the end of a ridge of upland which came nearly to the river and extended back to the town, and so was very convenient for a highway. The land of Carr's Island, opposite this, was generally dry, and the Newbury shore afforded several good places for receiving and landing the passengers on this ferry. Another natural advantage of the place was that the gut between the two islands protected from the force of the current, for a considerable part of the way, the boats that crossed the river both ways. There was, however, one objection to this site which became more formidable as the towns of Newbury and Salisbury increased in population. This was the remoteness of the ferry from the line of the old highways in these towns, which was considerably further east, requiring a deviation, in going by way of the ferry, of some two or three miles. During Andros's administration, when less reluctance was felt than formerly to disturb the doings of the old colonial authorities, advantage was taken of this inconvenience to the travelling public to apply for the establishment of a new ferry. The principal mover in this project was John March, afterwards distinguished as an officer in the Indian wars, and who had opened a tavern near the river on the Newbury side something more than a mile below Carr's ferry. A ferry from near his tavern to Ring's Island, which was a rocky headland on the river side of the Salisbury marshes opposite, would considerably shorten the distance between the old settled parts of the two towns, provided a sufficient causeway should be constructed over the marshes, to connect this "island" with the upland, beyond, upon which were the meeting-house and the principal village. Apparently, March was prepared to offer to build this causeway, if that should be required of him as a condition of the grant. But he chose to base his claim upon his offer to reduce the rates of ferriage. Accordingly, he presented to the Governor the following petition: —

"To his Excellence Sr Edmund Androsse Knt: Capitaine Generall & Governour in Cheife in & Over the Territory & Dominion of New Engl./

The Humble petition of John March

Sheweth That yo^r petitioner is an inhabitant of the Towne of Newberry in y^e County of Essex within this Territory) and keeps the Ordinary there. That yo^r petitioner living Conveniently near y^e water side hath beene frequently solicited & is dayly by Gentlemen travelling that way & also by the inhabitants of y^e Said Towne & the Townes adjacent to Obteine yo^r Excellencys Grant for the keeping of a fferry from y^e s^d Towne of Newberry to y^e Towne of Salisbury which will be a Comon Convenience to all such Travellers as shall passe that way & likewise a Considerable advantage to the sd Townes Of which yo^r petitioner hopes yo^r Excellence will be more p^ticularly informed by severall Gentlemen who have lately rode that way & Experienced the Conuenience Such a fferry will be Therefore./

May it please yo^r Excellence to Grant unto yo^r petitioner Liberty to keep such a fferry from y^e s^d Towne of Newberry to the sd Towne of Salisbury which yo^r petitioner p^oposes to Doe for halfe the Charge of the Old fferry And yo^r petitioner shall Ever pray &c./

JOHN MARCH." — *Mass.*

Archives, vol. 127, p. 157.

This petition was read in Council on the twenty-third of September, 1687, whereupon an order was passed "that a copy thereof be sent Mr. James Carr, and that he appear before" the Governor, in council, on the next Wednesday, to show cause why the prayer of the petition should not be granted.

On the day appointed for the hearing, two papers from Carr were considered; the former being a brief statement of his case in answer to March's petition, and the latter, a petition dated the day before, praying to have the ferry continued and confirmed to him as it had been to his father. These papers are given hereunder in full: —

"A Briefe State of the case of James Carr Relating to Salisbury Ferry.

The Ferry was granted unto and Setled upon his Father George Carr and his heires by order of the Generall Court in the year .1650. upon this condition that he did make and maintain at his own cost a sufficient Bridge over from Carrs Island to Salisbury Side, and make up Cansewayes for conveniency of coming and going to and from the same; And also keep and attend with Boates and hands for the Ferrying over passengers, Travailers and their Horses &c^a from the Island to Newbury Side;: Upon which encouragement and in confidence of the security and goodness of said Grant, the said George Carr disburst of

* The report of this committee was recorded at Ipswich, September 25, 1683.

his own Estate for the makeing of s^t Bridge and Causeways &c^a to value of Two hundred pounds or thereabouts and the same hath ever since been maintained by himselfe and his heires at his and their own charge for the service of the publike and also of particular persons and to generall acceptation. And at the decease of s^d George Carr, the benefit and priviledge of said Ferry with the Bridge and two acres of Land was estimated in the Inventory of his Estate at the value of Four hundred and Five pounds without Boates or Canoe, and accepted at so much in the distribution of said Estate by the said James Carr and his Brother. And for as much as John March of Newbury under pretence of a publike benefit for the ease of Travailers, shortning the way &^a though rather as may be thought seeking his own private interest and advantage to draw Custom to his house (being an Innkeeper) hath been moveing and solliciting to obtain a grant of a Ferry to be kept by him to pass from his house; which will occasion a considerable charge in the procureing a highway thereto through severall proprieties, and makeing up of Causewayes for conveniency of comeing to and from the Boate (as is already done at the old ferry place) and maintaining the same; which charge the said March (as is Informed) by the Bond required of him is not obliged to bear; But onely to find Boates and hands at all suitable Seasons to carry over passengers; which can Serve but at such times onely as the weather is moderate. For in very high wind's and tempestuous Seasons it wilbe both difficult and dangerous to pass the River at that place, and in the winter time is oft times impassible by reason of Ice, as upwards of Forty year's experience hath proved; And it wilbe very burdensome and the benefit not answerable to the charge of maintaining the Bridge and Keeping Boates and hands at the old Ferry place for the transportation of passengers onely in bad weather and at such Seasons when they cannot be Ferryed over else where, which must of necessity be still continued, or otherwise there will very often be a great delay of Travailers and obstruction of the passage to the generall prejudice of the Country. —

This humbly offered to consideration By

JAMES CARR." — *Ibid.*, p. 50.

"To his Excellency Sr Edmond Andros K^t Captain Generall and Governour in Chiefe of his Majesties Territory and Dominion of New-England. —

The Petition of James Carr of Salisbury. —

Humbly sheweth./.

Whereas yor Pet^rs Father George Carr in or about the year .1655. at his own cost and charge did make a Swing Bridge over the Northerly Branch of Merrimack River between Salisbury Town and Carrs Island; with causewayes above the high water marke at each end of the s^t Bridge. for the ease and accomodation of Travellers, and himselfe and yor Petr since his decease at their great charge and expence have ever since maintained and repaired the s^t Bridge and Causewayes, being encouraged thereunto by the former Government; and in consideration whereof the Generall Court did grant unto the s^t George Carr his heires and assignes and Setled and disposed to them the whole Ferry on both sides the s^d River and profits from the time of the building & finishing of the s^t Bridge, for so long as he or they should sufficiently maintain & keep the same in good repaire, and the ferrage was stated and Setled by order of s^t Court; which Ferry hath been accordingly kept and duely tended for the benefit and Service of the Country and to good acceptance and Satisfaction of those who from time to time have had occasion to use that passage, for ought that your Petr hath heard to the contrary thereof; & haveing now for so long time been Setled and customed and yor Petr employed therein hath diverted him from other Employment; resting upon the s^d Grant doth principally depend upon the afores^d priviledge and benefit of the same for his support & lielihood. —

The premisses considered yor Petr humbly pray's yor Excy's Favour, That, yor Excy wilbe pleased to continue and confirme unto him the abovementioned Grant; And is humbly bold to Suggest That for the ease speed & conveniency of Travellers if yor Excellency shall thinke fit, that the Highway may be laid from the Bridge by Thomas Thurrells in Newbury to George Marches and from thence to m^r Woodmans; which will save neer three miles Riding of what it* is the usual Road, & be much better way and effected with a very inconsiderable charge, to a publike benefit and advantage. Yor Petr shall with all humble thankfulness acknowledge yor Excy's Favour in the granting of this his Request, and at all times express the same in a readiness to yor Service And as in duty bound for ever pray &c^a —

27th Septembr 1687.

JAMES CARR." — *Ibid.*, p. 163.

Thereupon, without further delay, the following order was passed: —

"Att a Councill held att the Councill Chamber in Boston on Wednesday the 28th day of September 1687.

Present.

His Excellency Sr Edmund Andros K^t &c^a

Joseph Dudley

Peter Bulkley

Nath: Clarke

W^m Stoughton

John Usher

Edw: Randolph

Robert Mason.

John Hineks.

Fran: Nicholson.

Upon reading this day in Councill the Peticōn of John Marsh of Newbury about a new Ferry from Newbury to Salisbury to be kept by him neere his dwelling. As alsoe the Peticōn of James Carr of Salisbury about his right to the swing bridge and old Ferry there.

Referred to the Justices of the Peace in the County of Essex to examine the offers and allegacōns of both the Peticōners and forthwith to reporte to this Board what they conceive therein to be most suitable and convenient for Travellers and the publike service of the Country." — *Executive Records of the Council*, vol. 2, p. 142.

The justices to whom the whole matter in controversy was referred made the following report: —

"Newbery. 6th October 1687

May it Please Your Excellencie

We the subscribers hereof, in Observance to the Order of your Excellencie and Councill to heare the Severall Alegations of James Carr of Salisbury & John March of Newbery. in

* *Sic.*

Reference to keeping a ferry for transportation of Passengers and incourageing Commerce between y^e s^d Townes, uppon hearing there Severall allegations doe report unto yo^r Excellencie that we Judge the Proposals of John March for keeping y^e s^d ferry from his dwelling house to Salisbury side, to be very rationall; and that it will be for the Conveniency of Travellers advantage of the Publique & generall Service of the Country; Provided the s^d John March (or whom yo^r Excellencie shall please to graunt the keeping of s^d ferry unto) be Obleiged to make a good Corseway On Salisbury side to the Place where thay take Boat, and that at the Pertickular Charge of the s^d undertaker of the ferrÿ; w^{ch} Report of Our's is humbly Offered to yo^r Excellencie from/
Yo^r Excellencie's humble Serv^{ts}

WM BROWNE, JUN^R }
JOHN HATHORNE. } Justices
JO: WOODEBRIDGE } of
PHILLIP NELLSON. } Peace." — *Mass.*

Archives, vol. 127, p. 212.

Upon this report the Governor and Council passed the following order: —

"At A Council held at the Council Chamber In Boston on Tuesday y^e 25th day of Octobr 1687.

Present His Excellency Sr Edmund Andross Kt. &c
Joseph Dudley }
W^m Stoughton } Esq^{rs}
Robert Mason }
Jn^o Usher }
Jon^a Tyng }
Nath^l Clarke }
Walter Newbury } Esq^{rs}
Edward Randolph }
Francis Nicholson }

Upon Reading this Day In Council y^e Report made by y^e Justices of y^e County of Essex about a new ferry from Newbury To Salisbury y^e same was approv'd off—And Ordered That it be kept & maintained by John March of Newbury accordingly, provided That James Carr of Salisbury Do on notice given him by y^e said Justices refuse to undertake & keep y^e same and y^t y^e said Justices do & are hereby authoriz'd to Lay out y^e ways & Causeway & Regulate y^e s^d ferry and take such security or Caution as to y^m shall seem meet for y^e making thereof & keeping and maintaining y^e same in Good order and repair

By ord^r in Council &c

JOHN WEST Deputy Secy." — *Suffolk Court Files.*

On the fourteenth of November, three of the justices of the peace of Essex County, by direction of the rest, met at Newbury, and tendered the ferry to Carr as required by the executive order. Upon his refusing to accept the tender, the justices forthwith conferred the franchise upon March, having first exacted of him the bond which is printed below. These proceedings of the justices are shown in the certificate of their doings, which they returned to the Governor and Council as follows: —

"From Newbury Nouemb. 14. 1687

We the subscribers hereof were desired & ordered by the rest of the Justices of the County of Essex, who were comanded by an act of yr Exelency & Councell beareing date the 25th October 87 to take care about the regulateing of a new way from Newbury to Salsbury as also for keeping of the ferry &c.—

We hane according to order mett at Newbury & made a tender of the ferry to James Carr, whose answer was that he was not In Capacity to undertake the thing, therefore proceeded according to our direction to Confirme it to John March of Newbury who went with us to gather with others of Newbury to Mark & stake out this way we began at Merrimack & laid out the way thre rod wide upon the upland it being about thirteen score rod Long & thre score rod through Marsh which we think sufficient to be one rod in width. all which way lying through seuerall mens proprieties'. the rest of the way is already laid out & used, we hane also taken Bond of John March to the vallue of an hundred pound to find hands & boats at all seasons suitable for the carying oner of persons at twopence apeice & Horses at four pence dureing yr plesure, the Bond standing good so Long as this ferry shall be by Authority continued to him. but as for the makeing of the Cossewayes & a bridge ouer a creeke about a rod wide, as also purchaseing the way th ough proprieties, we can find none at present that will undertake it neither of Newbury nor Salsbury we hane seen the wayes & guesed at the charge it will ocation and wee must needs say that Salsbury Town according to our understanding hane the most reason to purchase & make the wayes or the most of them: this being the utmost we could doe in this matter Humbly doe present it to yr exelency & Councill. remaining yr^s humbly to serue according as we are able.

JOHN APPLETON }
RICHARD DUMER } J P." — *Mass.*
PHILLIP NELLSON }

Archives, vol. 127, p. 232.

The following is a copy of the bond above mentioned: —

"Know all men by these presents that John March of Newbury [*] Tauerne Keeper, liuinge in the County of Essex in New Englan[d*] doth owe unto our soueraigne Lord the King the full and ins[t*] somme of one hundred pounds of good and lawfull mony of new England, to be leuied upon his house lands and chattells and to the true payment thereof he doth bind himselfe his heirs exequitors Administrators and Assignes unto our saide soueraigne Lord the King his heirs and successors, in witnes whereof the saide John March hath hereunto set his hand and scale this fourteenth day of Nouember, and in the third yeare of his maiesties raigne. *Annoque Domini. 1687.*

The Condition of this obligation is such that if the aboue bounden John March doth prouide a good and sufficient boate for the carriage oner of horses and men over th[e*]

* Manuscript mutilated.

ferry granted to him by his Excellency and Counsell at [or*] before the sixteenth day of this Instant November, and do[th*] also dewly attend the ferry granted to him by carlinge over horse and man for six pence, a single person for two pence, and doth allwayes while he doth hold the saide ferry Keepe his boate or boats in good repaire fit for the service of the Cuntry, then this obligation is to be noide and of no effect, or else to remaine in full force and vertue, and the time of Keepinge this ferry and standinge bound as afore-saide is as long as the ferry shall be confirmed to him by authoritie.

Signed Sealed and Delivered in the presence of us.

CALER MOODY

D. DAUTSON.

JOHN MARSH (*Sent*). — *Ibid.*, p. 231.

March, having thus been relieved of any obligation to build the causeway, and the assumption of this work having been merely recommended to, but not imposed upon, the town, it remained for the two to agree upon some plan for connecting the ferry with the town by a substantial road over the marshes. This was effected by the town's acceptance of a proposal by March, as shown in the following extract from the town records:—

“The Proposition of John Marsh to y^e town of: Salisbury now met. 22th day of Novem^{br} 1687

To ye to^t towne of Salisbury Gentlemen:

You have bin informed y^t there is a new way from Merimack River to your towne layd out by Authority for y^e use of y^e Contry & is insufficient for persons to pass & there is a ferry granted to mee by authority: Therefore my request is that you would be pleas'd to make y^e way sufficient for the use of y^e Contry for w^{ch} it is layd out: But I John Marsh doe ingage for quietness sake to make y^e way from Merimack River to y^e South Side of y^e creeke & half y^e bridge over the sd creeke This Proposition of Ju^o Marsh's: wth his condition anexed: so far as refers to y^e town's, was voted on y^e affirmative: & sd Marshe's hand signed & ownd to y^e Pformance of w^t he hath ingaged himselfe: in reference to y^e above sd contrey way as above manifested

as attest ROBT PIKE, moderator
JOHN MARCH

George Carr } enters their contra discent }
& Willi Carr }

Leift William Buswell enters his contra discent.” — *Salisbury Town Records.*

During the first winter after March received the grant of the ferry, complaints were made that his boat was not safe in the rough weather of that season, and that, for ten days together, the boat was prevented from crossing on account of the ice. Mr. James Carr availed himself of this failure of the new ferry, to renew his application to be permitted to enjoy the monopoly which had been granted to his father, and which he claimed had descended to him as a vested interest not to be alienated without his consent, or, at least, without sufficient recompense. His petition, dated the thirteenth of June, was as follows:—

“To his Excellency Sr Edmond Andros K^{nt} Captain Generall and Governour in Chiefe of his Majesties Territory and Dominion of New-England.

The Petition of James Carr.

Humbly Sheweth./.

That whereas yor Pet^r Father mr George Carr late of Salisbury deceased, was at the first settling of the Plantation appoynted to keep the Ferry on both sides of the River Merrimaek between Newbury and Salisbury, First by the Court held at Ipswich the 24th of September .1644. as by said Order may appeare continued for severall yeares; And afterwards the said Ferry was confirmed to him his heires and assignes by the Act and Order of the Generall Court held the 7th of May .1649. Upon Condition that the said Carr did Build at his own cost a convenient Bridge over the North Branch of said River, and maintain the same as in said Order is provided, who referred it to the County Court at Salisbury, as by the Order of said Court at Salisbury the same yeare may appeare; All which Articles and Conditions yor Pet^r said Father did subscribe and agree to; And in pursuance of said Agreement did accordingly Erect the said Bridge, and did to his utmost fully comply therewith in procuring of Boates and all other necessarys suitable thereunto for the accomodation of said Ferry, to the Expence and disburse of more than Two hundred pounds about the said Bridge, Boates &c^a besides many chargable Repaires unto the time of his decease in *Ano* 1682. At which time the County Court held at Salem in Order to the setling & distributing of his Estate among his widow and Children did Order and appoint mr Thomas Noyse, mr Henry Short mr Nathanael Clarke and Caleb Moody all of Newbury to apprise and set forth unto the widow and Children their respective parts of said Estate; which said Committee valued the said Ferry and priviledges thereof without one Boat thereunto, onely an accomodation of Two acres of Land included at the Sume of Four hundred and Five pounds money, and Ordered yor Pet^r whole share of the Estate in the said Ferry, out of which he hath and must pay One hundred and Twenty pounds that so he may Enjoy the whole thereof as his own proper Estate; and notwithstanding the said Clarke and Moody were so concerned in the apprising of the said Ferry as the Estate of said George Carr, and set so considerable a value thereon and returned the same into Court upon their Oath's; yet have been very active & industrious to procure a remove of the Ferry betwixt Newbury and Salisbury and to have the same conferred upon John March; which is a very great Loss and damage unto yor Pet^r and depriveth him of a great part of his Livelihood for since John March obtained a Grant to keep a Ferry below which is now about seven month's yor Pet^r hath not taken more than Four pounds Twelve shillings in money for the income of his Ferry at the Island; And although the Justices were pleased to make an Offer to yor Pet^r to keep the Lower Ferry, he considering that Passengers could not be transported there at all seasons by reason of the disadvantage of the place could not see reason to accept thereof. For this last winter although so favourable

* Manuscript mutilated. .

† *Sic.*

the Boate could not pass for the space of Ten dayes in the begining of January for the Ice, and should yor Pet^r have undertaken the Lower Ferry, he could not have maintained the Bridge and Ferry at the Island, and so when the Frost or Foule weather had stoped the Lower Ferry there would have been no passing at all, and the way to the Lower ferry is by measure but three Quarters of a mile neerer or thereabout which is again overbalanced by the breadth of that Ferry; which is two thirds more than the upper. .

Yor Pet^r hath thus truly and as briefly as he could represented and stated his case to yor Excy And as his Majesty in his most Gracious Declaration hath been graciously pleased to assure his subjects that he will maintain them in their properties and possessions, And yor Pet^{rs} Father haveing fully performed the Conditions of the Grant of said Ferry, he humbly conceiveth it is now become his proper and absolute Estate; And humbly prayeth yor Excy. wilbe pleased to take the p^rmisses into consideration, and to Order the Ferry to be stated & settled as formerly, and the late Ferry set up by John March; which is of so little benefit to the publique & very detrimental to yor Pet^r to be laid down. — And yor Pet^r as in duty bound shall pray &c^a

13^o June 1688./
Archives, vol. 128, p. 262.

JAMES CARR." — *Mass.*

With this petition Carr filed the following certificate: —

"These are to Certify whom it may or shall concerne that wee y^e subscribers hereof Beeing at Newbury; and our occations vrgently requiring vs to goe for Salisbury: therevpon wee haue repaired ourselves for passages over the ferry w^{ch} Jn^o March vnd^r tooke to keepe for passeges but could* get any notwithstanding wee stay'd about 4 or 5 houres and at that tim m^r Mercer that now Lives at Bescataq^a came over but could not bring his horse) for there was noe Boat but a hay Boat and that nobody would venture there Lives at such weather as then was; and then after o^r Long and tedious staying at m^r Marches wee cam to m^{rs}. Carr and got over without any difeculty at all y^e same day beeing y^e 2 of December 1687 as wittnese o^r hand

THOMAS JACKSON of Redding
HENRY WILLIAMS of Boston
cum multis aliis

MERCER†

A Jersy man of Bescat-

alqua." — *Ibid., p. 263.*

Owing to the loss of the records of the Governor and Council for this year,† the proceedings upon this petition have not been ascertained. Indeed, nothing further in regard to the contest between Carr and March has been found until May 20, 1691, when, by the following entry in the records of the General Court, it appears that Carr, still asserting his claim to the monopoly of ferrying between Newbury and Salisbury, had complained to the provisional government of the competition of the new ferry as illegal, and an injury for which he prayed relief. The same entry shows that the Legislature declined to act on this petition, and remitted him to the judicial courts for his remedy: —

"May 20, 1691. In Answer to the Petition of James Carr of Salisbury, complaning of wrong and Injury done him by Capt John March of Newberry, in Keeping up a ferry upon Merrimack river betwixt Newberry, and Salisbury, in prejudice of a grant formerly made by the General Court unto M^r George Carr Father of the Said petitioner, and his Heirs &c^t, The petitioner is referred to seek his remedy by Course of Com^on Law." — *Council Records, vol. VI., p. 185.*

The records of the Court of Assistants show that an action against Richard Carr, in which March was plaintiff, was tried in the county court at Ipswich in September, 1691, and that March appealed from the judgment against him in that case, but was nonsuited on his appeal, upon which Carr was awarded costs in the higher court. No declaration in this case has been found, and the cause of action nowhere appears; but, two years later, James and Richard Carr joined in a suit against Edward Sargent, the lessee of March, the cause and other circumstances of which are shown in the writ and declaration and the officers' return, which are therefore here given in full; viz., —

"Essex sc

(Seal) William & Mary By y^e Grace of God of England Scotland ffance and Ireland King & Queen Defenders of y^e ffaith

To the Sherrieff of our S^d County his Undersherriff or Deputy Greeting

We Command you y^t you attach y^e Goods or Estate of Capt Edward Sargent of Newbury to y^e Vallue of One hundred and ffifty poundes and for want thereof to take y^e Body of y^e S^d Sargent (if he may be found in your precinct) & him Safely keep So y^t you have him before our Justices of our Inferiour Court of pleas to be holden for our S^d County at Newbury on y^e last Tnesday of September next Ensueing then and there to answer to Mr James & Mr Richard Carr of Salisbury in y^e County afores^d Shipwright — In an action of Trespass upon y^e Cass ffor that y^e s^d Sargent for near two yeares last past hath Exereised and practised y^e Com^on Carryng and Transporting of men horses and goods over y^e River Merrimack in y^e County afores^d between y^e Towns of Newbury and Salisbury upon Hire and for Reward to y^e Great Disturbance nuisance and Damage of y^e s^d James Carr and Richard Carrs fferry over y^e s^d River and to their Damage One hundred poundes or thereabouts as what Shall then and there appear with Damages and have you there this writt

Witness Barth^e Gedney Esqr at Salem y^e 29th day of August — 1693. and in y^e ffifth year of our Reign

This attachm^t was Served on y^e Body of Capt Edward Sargent y^e 6th day of Sept^r 1693 & bond taken y^e me JOSEPH PIKE Dep^y Sherriffe." — *Essex Court of Common Pleas: Files.*

* *Sic*: not?

† Thomas? — who died at Boston in 1699. Possibly Le Mercier was the right name.

‡ 1688.

Sargent, it would seem, vouched March as his principal, and the latter being at that time on an expedition against the French and Indian enemy on the eastern frontier, an imparlance was granted as follows:—

“Essex sc At an Inferiour Court of pleas holden at Newbury Sepr 26th 1693.

Mr James Carr & Richard Carr pl^{ts} *versus* Cap^t Edward Sargent of Newbury Deft In an acc^{on} of Trespass for Com^{on} Carrying men and horses &c over Merrinack according to writt dated 29th August 1693 The Deft prays an Imparlance Cap^t March y^e proper Owner of y^e ferry being in y^e Kings Service and by Consent of both pl^t & Deft this Cause is Continued to y^e next Inferiour Court held in this County where y^e Deft is to plead Issuably.”—*Ibid.*

The term to which the above action was continued was the December term, at Salem. In the reasons of appeal filed by the Carrs in a subsequent action, they aver that, “by a letter of advice from His Excellency, the Governor, the action was stopped, and not to proceed,—the said March being yet in the country’s service.” This “advice” was doubtless a notification of the passage of this chapter, though neither of the parties seems to have regarded it as anything more than a suggestion from the Governor; and even the clerk of the Inferior Court of Common Pleas, in Essex, appended to the copies which he prepared to be sent up in the latter case, a certificate showing that he was at a loss to account for the cause of the suspension of legal proceedings, except on the supposition that the Governor had interfered.*

Chap. 14. This chapter is from archives, vol. 100, p. 457. It is recorded in council records, vol. VI., p. 320.

Chap. 16. This chapter is from archives, vol. 100, p. 463. It is recorded in council records, vol. VI., p. 325.

By chapter 8 of the resolves of 1693, Phillips was granted five hundred pounds for his past services, to be allowed to him in his accounts, if the same should be laid before a committee already appointed by the House, or before the House itself, during the present session. This he had allowed to remain in the treasury. See resolves, 1695-6, chapter 20.

A doubt having arisen as to whether or not his functions as treasurer had ceased in regard to outstanding collections and payments authorized during his official term, the following “bill” was reported, but failed to pass:†—

“A Bill for Enabling Jn^o Phillips Esq^r late Treasurer to perfect the Collection of Arrears of Rates, to y^e first of May 1693.

Whereas John Phillips Esq; late Treasurer hath been at great Travail & expence in Receiving and Paying the several Assessments made in the four years last past, for support of Their Majesties Interests, and their Defence against the French & Indian enemies; many of w^{ch} Assessments by reason of the pressure of y^e war, are yet in a great part unpaid; th^o much of each of them has been collected by sd Phillips which renders it inconvenient for any other to intermeddle therewith

It is therefore ordained by this Court and the Authority of the same, That the said John Phillips be, and He is hereby Impowered by all lawfull means to demand & Receive all Arrears of Rates and Assessments that have been made & Counted to Him from y^e 18th of April 1689, untill the First of May 1693 and payable within that time as fully and amply as he did or might doe at any time before the one & Thirtieth of May last past. And s^d Phillips is to make payment of what he has, or shall hereafter have of the Publick Treasury in his hand according to orders already receiv’d, or that shall hereafter be made.”—*Mass. Archives, vol. 100, p. 443.*

This “bill,” which appears to have originated in the Council, was there read a first time on the eighth of July. On the same day it was read a first time in the House, where it had its second reading on the eleventh, when it was “voted in y^e negative.”

On the day after the passage of the vote of July 13th,‡ the House passed the following vote, in which the Council do not appear to have formally concurred:—

“Voted That Wheras Jn^o Phillips Esq^r late treasurer of the Massathusetts Collony being ord^{ed} to Rend^r acc^{ot} to this House by the 14th oct^o next in w^{ch} it was undstood that he could not farther act either in receiving or paying w^t might concerne the Massathusetts Collony properly & distinct it is therfore ord^{ed} that the s^d Jn^o Phillips Esq^r late treasurer do proceed as formerly to receive & pay as occasion requires all the arreares of s^d Massathusett Collony prop^{ly} & distinct & Rend^r acc^{ot} to this house according to the former vote by the 14th oct^o afores^d; and that all Constables & persons concerned in gathering of rates do forthwth collect the same & deliver it to the afores^d Jn^o Phillips Esq^r late Treas^r

July 14th 1693

Voted in y^e Affirmative

WILLIAM BOND Speaker.”—*Ibid.*,

p. 448.

On the twenty-second of November, Phillips having rendered his accounts, a committee appointed by the House reported to the Council the following exceptions to certain items therein:—

“Exceptions to the Province Acc^{ot} of John Phillips Esq^r Late treasurer.

1 That many articles are so generall that they cannot bee understood without sight of the particulars and there being no speciall mention of the time—When the soldiers and vessells entered into pay & were discharged it can not bee known whether the money paid was duely Expended.

2 Middlesex County in the second part of arrears standing out is Charged twice vizt the summes of £1097. & £425. 7. 9 suppose it an Error.

* See the private act of June 28, 1718, vol. VI., number 41.

† It appears to have been induced by the vote of the House on the eleventh of July, which is given in full in the notes to resolves, 1693, chapter 9.

‡ Chapter 8, 1693.

3 Payd Capt Nath: Hatch for hire and Wages for the Sloop Mary £95. 10. 9^d the sloop supposed to bee the Kings, and to bee sent out upon Private service and no Credit found in the acco^t for the Same

4 Some articles Dated in the year 1690 which was before his Ex^{cy}s arrivall, they are errors or not properly Charged

5 Payd Capt Steph. Sewall and Col Gedney for Expences & Charges, and for Juryes and Wittnesses 40^e ap^s suppose it no proper Charge to the Province. and can find no Credit for the forfeitures or Escheats.

6 Charged £39. odde money to Capt Saltonstall and his Comp^a of which hee saith hee recd nothing himself.

7 Payd Major Hinchman £797. Qu: how that great Charge arose.

8 Charged £369. to Capt Fayerwether for sixty men at the Castle which number is sayd to bee more then at any time there were upon it.

9 Charged to James Barton £43. in part of the sloop Resolution, which was Contracted before his Ex^{cy} came and so not belonging to the Province there being no Credit to bee found for the money shee was sold for in Eng^d.

10 Charged pay^d Bartho: Gedney & Jⁿ Walley Esq^{rs} £81. 16/. Qu. how it arose.

11 Charged £1290 for Discharge of Debts Contracted in Eng^d for the service of the Province, which seemes to bee improper, it not being a province when that Charge was Contracted and the Colony of Plym^e not being Concerned before his Ex^{cy}s arrivall mem^d to Inquire of the Agents:

12 Charged £1110. £2953. £1390. payd p^r the Committees notes the Charges are too generall to bee well understood, and wee find noe Charge for Pemaquid

13. Qu. Whether the £500. payd Jⁿ Foster Esq^r & his Ex^{cy}. by order of his Ex^{cy} and Council bee properly pay^d out of the £30000. That Tax being lay^d on the Province for the Defence of their majestyes subjects and Interests, Prosecution of the Warre against the French and Indian Enemyes & Defraying other Publick Charges of the Province.

14 Charg^d sundry Emergencyes & Expences £189. 2. 4 not to be understood for what.

Nov^r 22. 1693

| | |
|-----------------|---|
| NATHAL BYFIELD | } Commit- tee."— <i>Ibid.</i> , p. 464. |
| RICHARD SPRAGUE | |
| DANL ALLIN | |
| BENJA DAVIS: ./ | |

Thereupon, on the same day, a joint committee, consisting of John Richards, James Russell and Samuel Sewall, Esquires, of the Council, and Mr. Nehemiah Jewett, Captain Thomas Noyes, Doctor Daniel Allin, Captain Samuel Partridge and Mr. Thomas Oliver, of the House, was appointed to examine the account, and report thereon. This committee reported on the thirtieth; but their report and the accompanying account have not been found in the archives.

While the joint committee had the account under consideration, Phillips sent in the following answers to the foregoing exceptions:—

"Answer to the Exceptions made by the Committee of the house of Representatives to the Province acco^t

To ye 1st The Articles are so exprest as to give an understanding what the charge is for and it would have Swol'n ye acco^t to a vast volumm for every particular to have been therein rendred; which may bee seen in ye Bookes whence that acco^t was drawn.

As to the time of Souldiers and vessells entring into pay and discharge the same is not set forth in the Debenture, so not to be expected here

To ye 2^d It's meerly a mistake in transcribing, the word Hampshire being omitted against the sum of £425: 7: 9.

To ye 3^d It's mistake ye sum charged paid Capⁿe Hatch, is onely for wages of himselfe & Comp^a

To ye 4th It's mistake in ye Scribe setting down .1690. instead of 1692.

To ye 5th the two sums of £.40 each paid to Capⁿe Stephen Sewall & M^{rs} Mary Gednev were for charges of the Court sitting at Salem by special Commission before ye Act of Establishing the Courts & upon a general Acco^t The Forfeitures &c there arising are not Estreated into the Treasury, the Act for adjusting of Sheriffs acco^ts being but newly past.—

To ye 6th The charge is onely for the souldiers of Capⁿe Saltonstals Comp^a improved in their Maj^{ties} Service, not any thing paid to himselfe.

To ye 7th The charge of £.797. arising in the W^t Regimt of Midd^x under Major Hinchman, is for souldiers employed there in their Maj^{ties} Service for defence of that part of the Country, And for which the Committee have past Debentures.

To ye 8th the sum of £369 paid to Capⁿe ffayerweather and Comp^a at their Maj^{ties} Castle, the number of sixty, arises by Exchange of men, and by meanes thereof, the Debentures make out s^d number.

To ye 9th The £.43. paid James Barton in part for the Sloop Resolution sold by the Agents in England, the Credit for the same must be found in their acco^t—

To ye 10th The £.81:16. 0. advanced to Bartho: Gedney & John Walley Esq^{rs} was for paying off two Comp^as of Indian Souldiers upon their return home from their Maj^{ties} Service, wages to Capⁿe Na: Hatch & Comp^a &c which their acco^t will make appear:

To ye 11th The £.1290. paid for discharge of Debts contracted in Eng^d the memo- rand^m to inquire of the Agents may be proper, and the house may make that inquiry when they please—

To the 12th The charge of several sums paid p^r notes drawn by the Committee for supplies was for purchasing of provisions, Clothing and other necessaryes for subsistance of the souldiers from time to time employed in their Maj^{ties} Service and support of the Garrisons &c the particulars whereof their accomps will show and for what./.

To ye 13th The £.500. paid John Foster Esq^r p^r his Ex^{cy}. is ye sum granted by the General Assembly, and a proper publick charge of the Province and for support of the Govern^t thereof; being one End of ye grant of the duties of Impost & Excise; which makes a Considerable Article in the Credit of this acco^t—

To y^e 14th The accot^t of those particular Emergencies & Expence of £.189. 2. 4 was all laid before his Exc^y. & Council and by them allowed, which is in so many Articles as was thought unnecessary to Enumerate in this General accot^t being y^e same to which no Exception hath been taken in former Treasurers accot^{ts}

There being vouchers for the whole Account in y^e se^{ver}al Articles thereof. —

Decembr 13th 1693./.

Signed JOHN PHILLIPS." — *Ibid.*,

p. 465.

The following is the action taken upon the above answer: —

"Dec. 13, 1693. An Answer signed by John Phillips Esqr to the articles of exception by the Committee of the House of Representatives, was read, and sent down to that House

Voted in Concurrence with the Representatives, That John Richards, James Russell, and Samuel Sewall Esq^{rs} Mr Elisha Cooke, Capt Nathaniel Byfield, Mr Richard Middlecott, Major Penn Townsend, and Doct^r Daniel Alline or any Six of them be a Committee to inquire into and examine how the Forty Thousand pound Bills of Credit emitted by the late Colony of the Massachusetts were disposed of, and paid out. as also to perfect the Examination of the account of John Phillips Esqr late Treasurer of Said Colony, and to make their report to this Court at their next sitting, The account now presented to be lodged with the Secretary, by him to be delivered unto the order of said Committee when desired, and by them to be returned again into the Secretaries Office Consented to

WILLIAM PHIPPS." — *Council*

Records, vol. VI., p. 326.

The committee appointed in the above vote reported as follows: —

"Wee whose Names are vnderwritte being by the Generall Assembly [appointed?]* to Examine how y^e forty Thousand pounds Bills of Credit emitted by the [late Colony of?]* Massachusetts were disposed of and layd out & to perfect the Examination of [the ac*] compt of John phillips Esqr late Treasurer of Said Collony do returne —

That accordingly we haue Examined the bookes of the Said Comitte & finde there were Emitted in Said bills to vallew of forty Thousand five hundred & fifteen pounds. [thir*] teen Shillings;

That y^e Said Committe haue paid & disbursed thirty Eight thousand Seuen hundred thirty three pounds Elenen shillings & five pence

That the Said Committe charge Sundry other Summs to vallew of forty one pounds one shilling & Seauen pence as v^t The Account now giuen in by vs, for w^{ch} we finde no orders nor debent^{rs}

Also the Said Comitte do charge the Summe of Seuen hundred Eighty one pounds Two shillings for sundry charges on Said Bills of Credit, not Shewing any order for the Same —

And that they haue deliuered to mr Simeon Stodder Nine hundred fifty Nine pounds fifteen Shillings Six pence, w^{ch} Said Stodder Acknowledgeth y^e Receipt of & is to account for

That there is one bill of credit remaining in y^e hands of sd Treasurr w^{ch} is caried to his accot^t two shillings & Six pence

That there is due from Said Commissioners twenty one pounds Seauenteen shillings & Six pence for mony deliuered them by the Treasurer more then they disburs^t, All w^{ch} Appear by an Account Now giuen in wth this return —

That there is remaineing in Said phillipss hand Thirty pounds Two shillings Six pence in Bills of Credit part of what was ordered for purchase of prouissions w^{ch} we haue caried to sd phillips Account Currant as v^t Accot^t now giuen in

We likewise finde that there is in the handes of mr ffancis Burrows & mr Edwd Bromfield fifty pounds Tenn shillings & Eleuen pence mony w^{ch} was ouerplus in what was deliuered them towards purchasing of Armes

We haue also Examined the Account of John Phillips Esqr late Treasurer of the Collony of the Massachusetts, laid before the former Committee, & compared wth y^e Orders Debenters Receipts and Account by w^{ch} he iustifies the Same; Since the making vp of which Account Said phillips hath deliuered in & burnt Six hundred thirty three pounds Seauenteen Shillings & two pence in Bills of Credit, As Appears by a Receipt vnder the handes of the Committe appointed by the Court for inspecting y^t matter

And therefore we haue from thence Stated y^e account by herewith offered, The Ballance of which resting due to Said John phillips Esqr is Eight hundred Thirty three pounds four Shillings & nine pence Mony, all which is humbly Submitted &c

Boston ffbruary .21th 1693/4 @ By your honors humble Seruants

JOHN RICHARDS
JA: RUSSELL
ELISHA COOKE
[SAMUEL SEWALL*]
[RICHARD MIDDLECOTT*]
[PENN TOWNSEND ?*]
[DANIEL ALLIN ?*]
[NATH^l BYFIELD ?*]

Memorandum

Persuing the Account, Wee take Notice,

That Seuerall Committees, Commissaries, & others haue been Receiners of very considerable Summes out of the Treasury, for publique Occasions, who Ought to account for the Same wth all conuenient Speed, if they haue not already done it." — *Mass. Archives, vol. 100, p. 472.*

This report, the original of which, badly mutilated, remains in the archives, was first made to the House. It was sent up to the Council on the third of March, 1693-4, where it was read. Accompanying it is the following statement which seems to be the account prepared by the committee and referred to in their report: —

* Manuscript mutilated.

Chap. 17. This chapter is from council records, vol. VI., p. 333. It has not been found in the archives.

This order was founded upon the following petition:—

“To his Excellency Sr William Phips Knight Capⁿ Generall and Governour in cheife of their Maj^{ties} Province of the Massachusetts Bay in New England, and Honrd Council and Representatives thereof now assembled in Generall Court sitting att Boston ffebruary 23^d 1693/4

The Petition of John Paige of Groton for himself and in behalf of his son John Paige who was a souldier under the Comand of Major wade in the Late Expedition to Canada against y^e Common Enemy

Humbly Sheweth

That yor Petitioners Son the sd John Paige att Canada [rec^d]* a Greivous wound in his left arme, of which after his retorne home he lay lame und^r the Chyrurgeons hand for the Space of Twelve months and upwards, before he gatt cure, and after he gatt cure was a twelve month more before he could doe or performe any reasonable bodily Labour to procure himself a Lively hood—

That Yor Petitioners Sons cure came to Seaven pounds wch yor Pctition^r undertooke the payment of to the Chyrurgeon., and of wch he hath only rec^d from the country thirty shillings, wch was soe much allow’d and ordered by the comittee formerly appointed to Inspect y^e affaires of Canada wounded men, his Son being att that time under cure, butt not cured till a very Considerable time aft^r and soe had said thirty shillings allowed him for payment of y^e Chyrurgeon for what he had done, to that time

Now Forasmuch as yor Petition^r hath formerly made Applycation to yor Exe^{cy} and this honrd Court referring to y^e premisses, Butt nothing hither haveing therein been done, yett hopes you will not deale by his son worse then by others of y^e wounded men—

Yor Petition^r Therefore for himself and in behalf of his said Son humbly Entreates yor Exe^{cy} and this honrd Court to take y^e premisses into consideracofi. and that you will please to allow and order unto yor petition^r the remainder of s^d moneys for the cure of his son. as also that you will please to allow unto his son Such compensation for the loss of his time and for payment of his Dyatt dureing the continuance of his afores^d lameness— as to yor wisdoms Shall seeme most meet & requisite—

And yor Petition^r as in duty bound shall ever pray

JOHN PAIGE.” — *Shattuck*

Manuscripts, in library of New England Historic-Genealogical Society.

The following certificate was appended to the petition:—

“This may certifie that John Paige Sone of the petition^r was under the hands of me Jonathan Prescott Chyrurgeon above a twelve months time, and that his cure pformed by me came to seaven pounds—

JONATHAN PRESCOTT.” — *Ibid.*

The form of the vote as it passed the House is as follows:—

“voted that John Page Jun^r son of the Petition^r shall for the payment of the Chirurghion and Dyett Dureing the time of his cure Receiue out of the publique Treasury of this province Twelve pounds deducting out of s^d sume what he hath allready reced; passed in the Affirmative by the House Re.

NATH: BYFIELD Speaker.” — *Ibid.*

The above vote bears no date, but, by the following memorandum, the action of the Council appears to have been on the twenty-seventh:—

“27 febr Vot^d in Conneil £.12. to be p^d deducting &c.” — *Ibid.*

Dr. Samuel A. Green has printed this petition and the endorsement thereon in his “Groton During the Indian Wars:” 1883, p. 55.

Chap. 19. Up to the time of going to press, no copy of this address has been found either here or in England. The record of the Council’s action in the appointment of a committee to prepare the address is as follows:—

“Feb. 27, 1693/4. Upon a Motion from the House of Representatives That their Majesties be humbly addressed referring to the Charge of the Fort at Pemaquid, Samnel Sewall, and John Saffin Esq^{rs} were nominated to be a Committee with such as that House should appoint to prepare, an address accordingly.” — *Council Records, vol. VI., p. 333.*

The date of the report of this committee is shown in the following entry:—

“March 1, 1693-4. The Committee for the address about Pemaquid, presented what they had done in that Matter, which with some alterations was sent into the House of Representatives.” — *Ibid., p. 335.*

Chap. 20. This chapter is from archives, vol. 2, p. 72. It is recorded in council records, vol. VI., p. 334.

The vote was elicited by the following petition:—

“To his Excellency Sr William Phips Kn^t Capⁿ Generall and Gov^r in Cheife of their Maj^{ties} Province of the Massachusetts Bay in New Eng^{ld} and the Honrd Council and Representatives thereof now Convened in the Generall assembly of sd Province att Boston February: 16th 1693/4

The Humble Petition of the Select men of the Towne of Bristol; by the order and in behalf of sd Towne—

Sheweth

That the Towne of Bristol haveing been in the Late rate of 30000^t, by the raiseing of it Soe many Times more then was given, much over valued more than other Townes according to Proportion which is notoriously knowne, soe that by meanes whereof the Rate Falls very heavy upon s^d Towne, being but ffew in Number; And Further that the Late Select men Omitted to make the Second part of our proportion in the Time of it by Reason of

* Manuscript mutilated.

Mr Stephen Burton deceased being not *Compos mentis* a considerable Time before he dyed, and being one of the Select men of the Towne then, had the Warrant from the Treasurer with other writings which are lost, Soe that the Time being Soe farr gone The Estate and Condition of the Towne is much Altered, both in Polls and Estates, some being dead others being gon to sea and Removed away, soe that there is Twenty Polls less then there was (which is Considerable where there are soe few) Nor was it any Omission of the Towne, That the rate was not made in due Time: And now the Treasurer hath Lately sent up his warrant to gather said Rate, in the midst of the Gathering of the Last Proportion of that Great Rate which falls very heavy upon y^e poorer sort.

The Premisses Considered Your Petition^{rs} doe humbly Pray That yor Excell^y and Honor^s will be pleased to order some abatement to be made, and that Some time may be given for the Gathering the Remainder before it be exacted by the Treasurer; In all which wee shall be much obliged to acknowledge this ifavour

And as in duty Bound Shall pray &c

JOHN CAREY
NATHANAEL PAINE
THOMAS WALKER." — *Mass.*

Archives, vol. 2, p. 72.

This petition was read a first time, in the House, on the nineteenth of February, 1693-4. On the twenty-second it was read again when the vote thereon which constitutes this chapter was prepared and passed in the affirmative, and by the first of March had reached the Council, where it was passed in concurrence and consented to by the Governor.

Chap. 21. This chapter is from council records, vol. VI., p. 336, and archives, vol. 113, p. 23.

The following is the petition upon which this vote was passed: —

"To the Honoured Committee: And Gentlemen of Boston

Whom it may concern and whom the great and General Court or Assembly of their Majesties Province of the Massachusetts Bay in New England Hath appointed and impowered to act with the Countrey Treasurer in hearing and taking cognicence of the pleas that may be offered unto yor Honours by such who have omitted and are behinde hand in paying of their part of the rates unto the Treasurer of which Number Enfield is a part and we do now p^rsent unto yor Honours those following reasons

We the Inhabitants of Enfield Labouring vnder many great and Vnexpected disappointments disaduantages and discouragements we do now Humbly craue yor favourable consideration towards us and we do here Humbly p^rsent our case and condition as it is in these following p^rticklars: *Imprimis* We are a few Inhabitants here gathered together on a certain tract of land which the Honoured General Court then at Boston on June y^e 28th 1683: did make a grant of for a Township on the land bordering on and adjoyning to Conecticot Riner which grant the Honoured Court was then pleased to grant the full extents of or Township beginning at the mouth of Long Meadow brook and so to run southerly by the great Riner: the Conecticot Riner: — full six miles and so to run out from the Conecticot Riner full ten miles east and according to the courts grant unto us the committee whom the General Court did appoint hath laid out or township and settled our bounds fairly mark:t and we have Purchased it of the Indians with our money and have had some peaceable possession of it: but now there are other claimes appears from Conecticot Collony who say it is theirs and the men of Windsor town have come within our town bounds and made new bounds for their town bounds where they neuer had none before the last spring and they have taken of one half of the breadth and length of our township from us according to the new bounds they have newly mark:t and many other abuses and injuries they have offered to us and the greatest part of our inhabitants have the greatest part of their land and sum all their lands by those mens acts taken away from them and and* seneral will loose all their Medows and we shall have no land nor Medow left at p^rsent out of their claimes but or small House lots we dare not to go on to fence and make improvment of or General field because of windsor men who have taken it into their new bounds for they have taken away some of the best of our timber which one of our Inhabitants have wrought up into clapboards and takes a way and burns up our best pine wood *Alias* candlewood which would be a great benefit unto us: and of those things and many other which tendeth to or great damage if not wholly to our ruin we have by or Humble Petition and address to our honoured General Court sought for help but have found none though the Honoured Court then sitting on the 31st of May at Boston 1693: and the court was then pleased to cosider our condition so far as to determine the settling of the collony lyne in seven months time and the time is out and nothing hath been done for us but those that have opposed and interrupted us begin to grow more holder against us and there is one of Windsor which claimes all most all our plantation on the account of a purchase that he had made and therefor hath sent us word what he intends to do this next spring with a company that he will hire to work for him to take possession by making tarr in the chief part of our town and he dares us to meet him with his men at the place and saith that he will try it out at the law with us and the last spring they came with windsor constable and about twenty men almost to our houses and seiz:d ap:cel of splitt candlewod that was fitt to run for tarr and they brought fue or six teams and carried it from or men out of our General field some miles into windsor bounds: Now according to what we see and hear and have experiance of we must of necessity either buy or linings & land of Conecticot men or be windsor mens tenants or break up being any longer atown and so shall loose that little we have which will be our vndoing Unless our Honoured Court can and will afford us their most speediest help and relief both as to the collony lyne and the grant of or township that thay have giuen us and the Honor:d Court put us under the han[ds of]f a committee till the court should take farther order: but our

* *Sic.*

† Manuscript mutilated.

committee is dead and the court neuer settled us with a towns power as the rest of the towns in the prouince are We are also forced to great expences a bout getting of a Minister we haue been at great charges about four ministers & three of them hath left us and the last of the three doth plainly declare that the difference and claimes that ariseth from connecticut men is matter of great discouragement to him and this we haue now is more likely to leaue us than to stay so that as things are circumstanced with and towards us we can neuer be able to hold out vnder the burthen of those hard measures which we meet withal for if we can enjoy nothing here of or lands but what the law will giue us it will be as good for us to shift about in the country where we can as to contend with the mighty for we can not line by the loss of our small estates as we are and shall be forced to do accept our fathers which bestowed this gift on us will settle us in the peaceable Assurance of that which they haue ginen unto us our poor place is so unsettled that we are hard put to it to carry on in this place our lands are hard & chargeable to bring in a way of improuement: We humbly craue yor fauour towards us desiring you would be pleased to consider the weight and importance of what is here presented unto you: for it is the truth and bad experiance hath and we fear will teach us more then can be born by any through the ill consequences of those differences, accept timely care and pains preuent them We do not make this as our Apologie to save our selues from the doing our duty: for we should be glad if we were and might be capassatated so to do it will be more for our comfort and aduantage: There are three things which we hope are in the breast and power of or Honoured Court to do for us and we find by dayly experience an absolute necessity of them first that the colony lyne be settled: 2dly: that our grant of our town-ship be made good and confirmed unto us: 3dly that we may haue a towns power confer:d on us for the present management of our own town affair:s amongst our selues for want of this lenity and equality is to much exalting it self amongst us: like those of old enery one doing what is right in his own eyes: ready to say I haue as much power as you: this is not good for us these are the grounds and reasons why we cannot pay the rates demanded & requir:d of us thus we leaue our case and condition to the serious consideration of such whom it doth or may concern

Enfield January the; 26th 1693

JOHN PEASE
BENIAMIN PARSONS
ISAAC GLEASON
ISAAC MEACHAM SENR
instead of
Select men." — *Mass.*

Archives, vol. 113, p. 22.

This vote passed, first, in the House of Representatives, on the third of March, when it was ordered to be sent up to the Governor and Council for their concurrence, where, on the same day, it was concurred in, and consented to by the Governor.

Chap. 22. This chapter is from council records, vol. VI., p. 336. It is preserved in archives, vol. 113, p. 57.

The following is the petition upon which this vote was passed: —

"To his Excell: y^e Govr & the Honorable Counsell wth y^e Representatives Convened in Gen^l Co'te

Being desired & improved by y^e town of Derefeild to Rep^sent before this Corte their distressed & hazzardus condition being y^e Most utmost Frontere Town in y^e County of West Hampshire & much impoverished by keeeping & maintaineing of Garrison men and Otherwise many wayes in soe much y^t they are not able to subsist & maintaine their familys rather chuseing to draw of were it not y^t y^e Govern^r & Counsell Order y^m to abide, the attendance of which (Though Willing) yet are not able, Except Enabled Therefore Humbly Entreate y^e abatem^t of their share or p^t of any Tax or Taxes that may be Thought fitt to lay upon y^e Province till such tyme as God in his Providence may inable y^m by peaceable tymes wⁱⁿ they may attend their Oections of w^{ch} they are almost wholie obstructed at this day

Febr: 22 1693

SAMLL PARTRIGG
in behalf of y^e
Town of Derefeild." — *Mass.*

Archives, vol. 113, p. 57.

On the second of March the House sent up this vote to the Governor and Council for concurrence, and on the next day it was passed in concurrence, and consented to by the Governor.

Chap. 23. This chapter is from archives, vol. 100, p. 470. It is recorded in council records, vol. VI., p. 336.

By the following order of the provisional government, on the fourteenth of April, 1691, it appears that the taxes called for were to be paid in grain, and that the tax-payers were to be charged with the cost of transporting the same: —

"April 14, 1691. Whereas this Court have already agreed, That for the Necessary discharge of the Public Debts the Sum of eight thousand pounds be Annually assessed upon the estates, and persons within this Government by the Space of four Year's next ensuing to be Collected, and paid into the Treasury of this Colony by the first of May Yearly. The growing Emergencys, and Exigences of the Country dailey arising, and farther likely to rise, Necessarily calling for Speedy disbursments, without which no Encouragement will be given to any to attend public Service, Nor can there be Suitable provision made for the Safety of the Country against the french, and Indian Enemy; It's therefore

Ordered That there be Twenty ffour thousand pounds of said Sum raised, and Assessed upon the Estates, and persons within this Government, by the Valuation of the last Year, or by such Valuation as shall be made by the next general Court, to be Collected, and paid into the public Treasury, either in Money, or bills of Credit, or in grain at Money price, as Stated by this Court (the persons paying grain to pay for the Transportation of it) the Constables of each Town to gether the Said Sums, and pay it into the Select Men;

and they to the Treasurer by the first of May One Thousand Six Hundred and Ninety Two; Excepting such persons as are unable to pay in that time (they being so Judged by the Select Men of the Town) such shall give Bill to the Constables, or Select Men of the Town to pay their proportion by the first of May One thousand Six hundred and Ninety four, at which time the Constables and Select Men of each Town, shall Clear their Accompts with the Country Treasurer; The Constables and Select Men to deliver to the Treasurer what they shall receive from time to time every Six Months."— *Council Records*, vol. VI., p. 181.

On the following petition from the town of Springfield, the House, by vote, ordered that the province treasurer make allowance as shown in the vote which follows the petition:—

"It is humbly suggested to this Honorable assembly, That the Constable of Springfield lately, goeing to Hartford wth a Boate Load of corne, about .130 bushels of Pease or more, to put it on Board of a vessel there, for y^e Treasurer, By y^e Providence of God, in goeing downe y^e falls, it became wholly lost or altogether vnserviceable (as also once before some loss was in a loading of corne sent from thence for y^e Treasurer) That y^e constables may haue credit for such miscaryed Paym^{ts} truly made by him, as If they had not miscaryed:

It is further Intimated & laid before y^e Hon^{ble} assembly, That Springfeilds p^{ro}portion to y^e 24000^d Rate, hath bene neglected to be collected, for y^t y^e constable accot^d himselfe discharged, vpon y^e select mens calling for y^e list d^{ir}d him, only to Regulate it according to y^e General Courts order, w^{ch} being by them done, they carryed it him againe, But then his yeare being expired, he refused to take or meddle wth it, saying it was brought him, out of his time, & y^e new constable having new Rates, would not meddle wth what was before his time, wherevpon y^t Towne chose a collec^{tor} who would not accept y^e Place, & also refused to gather in s^{it} Rates [*] much Troble hath arisen about it, & y^e select men haue press^{ed} on y^e matter for collecting what they had assessed y^e Inhabitants but cannot effect any thing: May this Hon^{ble} assembly Rem^{it} s^{it} sum, or pt of it, It would give ease to y^e Burdened Inhabitants who need & pray for some abat^{mt} & wil thankfully accept it:

BENJ^l DAVIS.

for y^e Towne

of Springfield

Boston June. 14th 1693.

June 15th 1693./. Voted: In Answer to the Petition of the Towne of Springfield Referring to the Loss of one hundred and thirty Bushells of Pease by ouer Setting the boat wherein they were Conveyed. —

Ordered that if upon the Counstables Makeing up of his Accot: [*] m^r Treasurer, it appears to him upon the Constables Oath or the Oath of Wittness— That the Loss— hapued meerly by y^e Providence of God without the Constables negligence or default, That the vallue thereof shall be allowed him upon his Accot:

Past in y^e affirmative by y^e house of Representatives, And sent up to y^e Gour^t & Council for their Concurrence & Consent herein

WILLIAM BOND speaker."— *Mass.*

Archives, vol. 100, p. 441.

This vote does not appear to have been concurred in by the Council, but at the next session the vote which constitutes this chapter was passed. There is no minute showing the day of its passage in the House, but it was passed in concurrence, by the Council, on the third of March, 1693-4, and was then consented to by the Governor.

Chap. 24. This chapter is from archives, vol. 40, p. 304. It is recorded in council records, vol. VI., p. 336.

In addition to the statement contained in the foot-note to this chapter, it may be added that this rate of compensation for the judges of the Superior Court had been fixed by the following vote of the Council, in which the representatives had not been asked to concur:—

"Dec. 16, 1692. Resolved and Ordered. That there be paid out of their Maj^{ties} Treasury of this their Province unto William Stoughton Esq^{re} Chief Justice of the Superiour Court of Judicature the yearly Salary of one hundred pounds, and to each of the other Justices of said Court the salary of Fifty pounds p^{er} annum

WILLIAM PHIPS."— *Exec-*

utive Records of the Council, vol. 2, p. 210.

The treasurer's payment to the judges, for their first year's service, in accordance with this order, appears in his accounts for the period between June 30, 1694, and May 29, 1695.

1694-5.

Chap. 1. This chapter is from council records, vol. VI., p. 341. It has not been found in the archives.

The two frigates† of the English navy detailed for constant duty in New England were not adapted to pursue small craft in shoal water, and hence the project of fitting out an armed vessel of light draught for the protection of vessels coasting in Vineyard Sound was started by the Governor and Council as early as March 7, 1692-3, as shown in the resolve printed in the note to chapter 13 of the public acts of 1693-4. In furtherance of this design, a supply of the treasury was provided by the act last mentioned to the amount of five hundred pounds, for "building and fitting of a small vessel mounted with ten guns and a suitable number of oars." This act was passed December 11, 1693, and the present chapter shows that, by the first of June, 1694, this vessel had been built. A further supply of the treasury to the amount of seven hundred pounds was granted a week after the passage of this chapter.‡ The work of fitting up the galley seems to have pro-

* Manuscript mutilated.

† The Sorlings and the Newport. — Executive Records of the Council, vol. 2, p. 378; and see letter from Stoughton to Fletcher, on p. 472.

‡ Province Laws, 1694-5, chapter 1.

ceeded without interruption between the date of this chapter and the grant in the act above referred to, and hence it has been assumed that the Council felt sufficiently authorized to proceed by the vote of the House, although in the following record of their action upon the account of Captain Timothy Clarke they claim to have acted under the two acts above mentioned :—

“July 19, 1694. The Accompt of the whole charge for building and Equipping of the Province Galley, presented by Captⁿ Timothy Clarke (who chiefly acted in that affaire) amounting to the sum of one Thousand twenty two pounds four shillings & six pence, having been perused and examined by Bartholomew Gedney and John Walley Esq^{rs} Commissioners for the War, with their Report thereon, that the several articles therein do agree with the Tradesmen and others Bills, who furnished materials for the same. The said accompt is allowed of.

And pursuant to the Grant of the General Assembly by their several Acts, one Entituled an Act for a present supply of the Treasury, made and passed at their Session begun and held at Boston the eighth day of November 1693. and the other Entituled: an Act for the Reviving and continuing of the duties upon Goods, Impost, Excise & Tunnage of Shipping and the Acts for the granting of the same, and the clauses therein relating to the said Gally, passed at their Session begun and held at Boston the Thirtieth day of May last past

Mr Treasurer is hereby ordered to pay unto the said Captⁿ Timothy Clarke such part and so much of the aboves^d sum of One Thousand, Twenty two pounds four shillings & six pence, as is yet remaining behind and unpaid to compleat the same, for the enabling of him fully to discharge the several Bills and other articles in the accompt presented

WILLIAM PHIPS.” — *Executive Records of the Council*, vol. 2, p. 268.

The following letter from Sir William Phips to Governor Fletcher gives an idea of the perils to which, before this galley was fitted out, the New-England coasting vessels were exposed by the enterprise of the enemy along the eastern coasts of the province, as well as of the protection which was afforded to our shipping and our maritime towns by the regular navy of the realm, on duty here :—

“Sr I have Intelligence of a ffrench Privateer from Petit Guaves that was discovered and chased by their Maj^{ties} friggatt the Nonesuch upon the 9th curr^t in the sound betwixt Block Island & Martha’s Vineyard, and by a Letter received yesterday from Sandwich I have the acco^t of their surprizing upwards of one hundred ffrench which landed on y^e backside of that Town, being now under Guards conducting to this place, and that the friggatt has taken y^e ship and the remainder of the men left onboard her; An English prisoner brought in her is come to Town who acquaints that there are seventeen sayle of Privateers fitted out of Petit Guaves, so that it seems to be very hazardous to pass to or from the West Indies, and it’s very probable some more of them may Infest this Coast both their Maj^{ties} Frigatts appointed for this station are abroad a cruising, and I hope will be diligent for the discovery of them and to prevent their makeing any depredations here. I am. yor^{rs} Excy^s humble servant.

13th July. 1693.

[WILLIAM PHIPS].” — *Mass.*

Archives, vol. 30, p. 330.

The following correspondence between Lieutenant-Governor Stoughton, and Secretary Allyn in behalf of the Governor and Council of Connecticut, shows the foundation of the apprehension of danger from hostile demonstrations by French privateers the next year, and the manner in which the Connecticut government excused itself from complying with Stoughton’s request to contribute, and supply with provisions, a quota to man the galley until the end of the approaching summer :—

“Sr

The Intelligence I have by way of the West Indies of several French Privateers fitting out, some of which may be expected to come on this Coast, and the Spring advancing apace towards us, has made me judge it necessary, speedily to set forth the Province Galley to cruise betwixt Martha’s Vineyard, Block Island and the sholes &c, for the conveying & securing of Coasters and Vessells coming from abroad, she sayling much better than the Frigats assigned to this Station, and has not so great a Draught of water. The advantage that has and will accrue thereby unto the people within your Government, in the preservation of their Vessells and Estates from Loss, makes it highly rational that they should bear part of the charge as they partake of the benefit and is no other than what their Mat^{ys} justly expect from all their subjects to contribute their assistance & proportionable share of the charge for prosecuting of a national war. I therefore propose and desire of you to provide twenty able men to be under pay and supplied with Provisions from yor^{rs} Governm^t to saile in the sd Galley until the end of the next summer

This Province is so dreyned of men by the calamities of the war, sickness the manning out of new ships that are built here by strangers, many of them not returning again, and for the manning of their Mat^{ys} Frigats appointed to this station, that it’s very difficult to supply what is necessary. I hope you will have due consideration of the distressing circumstances of your Fellow subjects. and readily comply with this equal and reasonable Proposal, so necessary for their Mat^{ys} service, and wherein your own Interests are very much concerned and let me have your speedy answer. I am

S^{rs} Your affectionate Friend &

humble servant

W S:

Boston February 11th 1694/5

Gov^r and Council of Connecticut.” — *Ibid.*, vol. 2, p. 228.

The Governor of Massachusetts had been deprived of his authority over the militia of Connecticut, — this authority having been transferred by the Privy Council to the Governor of New York; and Fletcher’s commission as commander-in-chief of the Connecticut forces, which had been ordered to pass the seals on the first of May, 1693, reached him at New

York on the first of October following.* The foregoing application, therefore, was couched in words of entreaty and persuasion and not in the language of command, as formerly. The following is the reply of the Secretary of Connecticut:—

“Hartford March 6th 1694/5

Hon^{ble} Sr.

your letter of the 11th of February came to the hands of o^r Governor upon the 3^d of this Instant by which we understand, your desires we would afoarde you Twenty men to be under pay & supplied with prouission to sayle in your Galley untill the end of the next summer &c. which letter hath bene read in councill & well waighed & considered, & we must informe you that we are very ready to doe our duty for the promoteing of their Maties Interest as we are able, & to your owne knowledg we haue been at considerable charge the last summer & sent about sixty men to Albany to Guard your Gent^y & ours thither & to Guard his excellency there while he was in Treaty with the Indians. & since wee haue sent a Liuetenant & Thirty Two men to Garison your dearefeild This winter & our men are there to this day & we are still willing to doe our proportion with our neighbours in such pub: charge wherein we are equally concerned, but to your present desire as aboue we hope there will be no present necessity of our assistance as yet till the weather Growes warmer & the spring more comon, & we shall as effectually as we may moue it to o^r Generall court in May next to consider your proposition & to giue such Answer thereto as may euidence that we are your Good neighbours & willing to promote there maties interest & the pub: Good of his subjects in these partes. which with o^r respects & seruice to your Honour & Gentm^y with you is all at present needfull from your humble sernants the Governor & councill of conecitcut./

¶ their order signed

JOHN AÆLYN Secetry.” — *Ibid.*

To this letter the General Court of Massachusetts sent the reply of March 16, 1694-5,† and Stoughton replied under date of March 28, 1695, as printed in the note to chapter 62, *post.*

To Stoughton's last letter Governor Treat replied on the twelfth of April, as follows:—

“Hon^{or}^{ll} Sr

Your laste I receaued the sixth of this present Aprell and upon perusall therof finding your proposalls not within y^e power of Governour or Councell to answer your expectations in that affair must referr it to y^e consideration and determination of our next Gener^{ll} Assembly in May next, vnto whom it properly belongs: with their resolues to your former y^t is before us also, Both w^{ch} god willing I then shall set before them efectually, and desire in nothing to be wanting in duty according to my capacity and to maintaine neighbourly Correspondence wth your selues and others as able for their Maties seruice and mutuall safety And however some may think & speak very deminitiuely of our publick disbursments on o^r neighbours accounts from first to laste w^{ch} seemes considerable to us And for yo^r Good prosperity doe heartily wish and y^t god in his time would cause warrs to cease shew us wherefore he doeth so awfully contend with us amend us and not condemne us, w^{ch} is the hearty prayer of your honours freind and seruant—

Milfd^a Aprell y^e 12th 1695

R: TREAT.” — *Ibid.*, p. 230.

As the time for the assembling of the General Court of Connecticut approached, Stoughton thus reminded Secretary Alyn of the business to which he had called his attention in his letter of February 11, 1694-5:—

“Hon^{ble} Sr/.

In yo^r last you refer unto yo^r General Court, to make answer unto those proposals in mine relating to yo^r joint assistance for y^e defence of Deerfield and y^e maning of the Galley for securing of the Coasting Trade; And understanding the time of yo^r Courts meeting is this weeke, I thought it necessary to refresh those motions unto you; and am urged thereto from the necessity of doing something Effectually in those matters For that I have received Intelligence by seual waies that the Coast is likely to be Infested wth several Privateers from y^e West Indies, and that one or more are already come upon y^e Coast, that on y^e 2^d curr^t in y^e night put into the Island of Nantucket rifled a house and tooke off four men from thence, I suppose to gain Intelligence, and for Pilots, the Comander says he has two other Consorts. I am dispatching the Newport Frigatt & the Galley to crnise about those parts; some Gent^y on Rhode Island offer to fit out a small Vessell from thence to joyne them. I hope you will have y^e effectual consideration of these matters in yo^r Court and contribute yo^r assistance likewise

On the 4th curr^t arrived a ship from England with six weekes passage came out with a man of war of fforty six Guns and two mast ships bound to these parts, the others are not yet arrived. by which I have the certain Confirmation of the Queen^s Majty^s death, great preparations for the sufers Campaigne, and it's said his majty^s intends to go over in person; that there are seven Com^{rs} appointed for the Regency. in his Absence. I have also the sad news of the death of our Gov^r Sr W^m Phips in a months time or thereabout after his comeing to London. the last weeke three Indians that went out upon y^e Encouragement of the act for setting a sum upon every Indians head Ki'd or taken, returned wth two scalps: and another Indian came in who made his Escape from his master having been about four years in Captivity, he was Employed in his majty^s service and posted at Kittery, from whence he was taken; he is very intelligent and gives an accot of their motions, knows of no present designe but supposes they may annoy some of o^r Fron-

* It was brought over in the ship Richmond, Captain John Evans, commander. On the thirtieth of October, Fletcher wrote from Connecticut to Mr. Edward Southwell, clerk of the Privy Council, giving an account of his ill success after twenty days' effort to raise a force there for the defence of Albany, and complaining of the insubordination of the people there, and expressing fears of being mobbed.

† Resolve, chapter 62, *post.*

tiers after planting time is over. I have nothing further worthy yor observance, but am wth all due Respects.

Sr Yor affectionate Friend & Servt
W[ILLIAM] S[TOUGHTON].

Boston. May. 6^o 1695./.

Govr of Connecticut." — *Ibid.*, p. 231.

The continuation of this correspondence is printed in the note to chapter 62, *post*, by which it appears that fifteen men detailed by Connecticut to man the Province Galley were eventually disbanded, and the supplies provided for their sustenance were disposed of before June 1, 1695.

Chap. 2. This chapter is from council records, vol. VI., p. 341. It has not been found in the archives. This sermon, preached before the Governor and Assembly, May 30, 1694, was afterwards printed under the title "The Character of a Good Ruler," etc.

Chap. 3. This chapter is from council records, vol. VI., p. 344. It is preserved in archives, vol. 121, p. 70.

The territory of Cambridge originally embraced lands on the south side of the Charles River. The settlers upon these lands had become so numerous in 1655 that some of them applied to the General Court early in that year to be made a separate town or parish to avoid the necessity, in attending public meetings, of crossing the river, which, on account of the bordering marshes, could never be done without inconvenience, and, in the winter, when possible, without danger. Objection having been formally made by the old church, through a committee appointed for that purpose, the Court referred the matter to a committee, consisting of Increase Nowell, Mr. Richard Russell, Captain Edward Johnson and Captain Elcazar Lusher, "to hear what the petitioners, as also the church of Cambridge, shall allege either for the granting or waiving their propositions, and to make return to the next sessions of this court." This committee met at Cambridge, but Mr. Russell being absent the inhabitants of the town refused to debate the subject, and the committee left without further inquiry. The committee's return was made at the November session, when a new committee was appointed consisting of Major Simon Willard, in the place of Nowell, who had died in the mean time, Lusher, who remained, and Captain Thomas Clarke in the place of Johnson. The report of a majority of this committee was read at the Court held in May, 1656, as follows:—

"Whereas wee whose names are heerevnder written ware deputed by ye generall court to take Information in ye case betwixt Cambridg church and those Breathren yt desire liberty to erect a villadg on the sowth side of Cambridg wee haueing taken the Allegations of eyther side p'sent ye state of ye case to bee as followeth: 17: 2: 56

They one ye one part *videllicet* ye petitioners desire a Township: partly beinge soe remoat from Cambridg: and haueing passage ouer a riuer: and diuers P'sons in thyr famylyes frequently disabled from Injoyinge any means of grace: ye famylyes about eighteene: ye land of these P'sons for carrynge along what is desired about fower Thousand Acres: they pr[esen*]ted a wrigh[ting*] of eighteene subscribinge it who Ingage to allow a minister fifty pounds p^o Annuū: And haue made P'uission of 36£ worth of land to accomodate him:

The please of ye church of Cambridg weere to this effect, first they P'pounded to purchase thyr land and estate them In thyr capacity In Cambridg and contribute constantly to Cambridg church to ye vtmost expected from them. They Alleaged A nessessyty of thyr helpe else it will vtterly disable ym to mayntayne an officer ther, a fift part of his mayntenance coming now from those Breathren. And yt If this bee graunted ym ther is another P'ty as considerable If not more will take ye like coorce haueing ye like Arguments [*] ye same motion:

That ye [accommo*]date sundry who aboard in ye Towne: yt [*]ould ye same yt thyr Breathren when first built ther considered It as vnder those tyes to ye church and Towne of Cambridg and for a competent space soe went on In ye attendance thervnto:

The church of Cambridg are willing to comply in ciuell respects as far as they cann to ease ym: all wch is referd to ye Honour^d Gen^l Coort. to consider of and determine as In Judgm^t may seeme meet. By vs. ye Comittie/.

SIMON WILLARD
RICHARD RUSSELL
THO: CLARKE." — *Mass.*

Archives, vol. 112, p. 83.

On the twenty-ninth, after some disagreement between the magistrates and the deputies as to the best course to pursue, the subject was postponed to the next session. In the mean time the committee, at the request of the Court, reported their judgment on the subject as follows:—

"The court desiringe our Aprehencions whome they deputed to heere how the case petitioned about, depending betwixt the church of Cambridg and those famylyes on ye other-side of ye water relating to ym stood wee conceue as ffolloweth.

1 That they cannot bee cutt of ffrom ye church of Cambridg without great Damage and enfeebling to ye church in diuers respects referring to ye support and well being of yt church.

2 Wee conceue yt they may bee allowed ffrom Cambridg som helpe for exercisinge ym six trayning dayes in some conuenient place sutable to thyr dwelling places on yt side of ye riuer.

3. That they may bee accomodated among ymselues with some P'sonns chosen among themselves to order thyr occations wth refference to thyr plantinge ffencing and feedinge

4. That ye church of Cambridg especyaly when passage betwixt thyr dwelling[s*] and ye Towne of Cambridg may be difficult may Improue ther Intrest In some yong men at the collidg to bee helpfull to ym once A month or oftneer If may bee In a way of p'chinge ye woords among ym yt soe ther may bee a care of thyr spirituall good manifested and

mutuall lone betwixt ym strenthned for wch help the church wth themselus to Puide due Incoragement/.

SIMON WILLARD

RICHARD RUSSELL

THOMAS CLARKE." — *Ibid.*, p. 82.

When the case came up, on the fifteenth of October, the following remonstrance was offered by certain inhabitants of the south side of the river: —

"Wee whose names are vnder written haveing some of vs our habitaccōns, and others of vs good quantities of lands and accomodaccōns lying on the south side of Charles River with in ye limitts of Cambridge and in that part of the bounds, wch is by some of the Inhabitants Peticcōned for to the Genrall Court, that they may be a Township or village distinct from the said Towne. we finding the said request in the prosecution thereof, not only greivous to our Brethren & neighbours [to behold this poore Towne and Church, wch is being vnited in one, at best, very feeble & weake, but being divided, wilbe like a garment that is rent in to peeces, whereby both parts wilbe come vnprofitable, as to or selves so also to the Comon weale] but also apphending it to be vnequall and vnjust to desire that from the Towne and Church, wch is by Gods Pvidence given them for the lott of their Inheritance, as well for the mainetenance of the Lords house in this place, as also for the defraying of other Civill Charges, although in other respects it might tend as much to our accomodaccōn of profit & ease as to the most of the Peticcōn^{rs}, yet nevr the less the p^mises being considered by us, we cannot but signify to all whom it may concerne, that for our parts we do wholly decline & detest the Psecution of the said Peticcōn, and do desire that we may still with one shoulder and heart continue together to serve one another, in the Lord with or persons & estates, vntill such time as by the Lords Pvidence, we may with out breach of any of his holy rules of Justice and equity, be led forth to a division.

Subscribed the 6th of October 1656.

RICHARD PARKE

WILLEM /X\ CLEMANCE SEN^R

THOMAS DANFORTH

WILLIAM rF CLEMAN JUNIER

JOSEPH COOKE

RICHARD CHAMPNES." — *Ibid.*, p. 85.

It was agreed that the petitioners and remonstrants should be heard on the following day, and notice to the parties was ordered accordingly; after which hearing, the Court passed the following order referring the subject to still another committee: —

[At a court begun and held Oct. 14, 1656.] "The Court, having considered of the case respecting Cambridge and those of the south side of the river, finde it attended wth such difficulties as will not admitt at present of a comfortable issue, doe therefore judge meete to referr the case to be further enquired into by a comittee, and to that end haue chosen Mr Tresurer, Capt Lusher, & Mr Ephraim Child, who are heereby appointed to informe themselves more fully of the estate of Cambridg, and whateuer else they shall judge meet, wch may be necessary for this Court to know, and to make retourne thereof to the next Court of Election." — *Mass. Colony Records*, vol. IV., part I, p. 284.

The next year this last committee made the following report, which was accepted by the Court as a settlement of the controversy: —

"Oct. 23, 1657. Whereas the Generall Court were pleased to depute vs, whose names are subscribed, to heare and informe ourselves of the state of Cambridge, and of the inhabitants on the other side of the river, wee, having labored therein, doe present our conceavings, as the condition of either party is presented to vs, as followeth: —

1. Wee conceive that if the peticcōners should wthdraue their help from their contributing to Cambridg church and ministry, it would be over burdensome to Cambridge to provide honorably for their carrying an end those occasions; 1. Because it is acknowledged on both partjes the majnetenance at present is short enough, and our charitje leadeth vs to beleive they want not love either to their minister or ministrje. 2. Because wee know some considerable persons haue removed on such groundes, and others seeme to intend it, thō indeered to the present ministrje amongst them, and many of them in an ebbing conditjon referring to onward things.

2. Referring to the brethren who haue petitioned freedome to be in a way of providing for their supplie of a minister amongst them, who doe tender tenn pounds P^r aⁿnum towards Cambridge ministrje, thō wee acknowledge they are exposed to tempting difficultjes to moove, yett it seems not convenient at the present to seporate from their brethren; 1. In regard of the feared incapacitje amongst themselves to effect their desires; 2. In regard of some decljning as to prosecution of the worke amongst themselves; 3. Considering how greivous it is to their brethren, who professe much care of & respect vnto them, which wee conceive may moove them still to wajte on the Lord, in the expectation of a further discouery of his minde heerein as referring to either partje.

Yo^r servants, y^e comittee,

RICHARD RUSSELL,

ELJAZER LUSHER,

EPHRAIM CHILD.

The whole Court mett together voted the acceptance of this retourne." — *Ibid.*, p. 319.

Anticipating the failure of the Legislature to devise a remedy satisfactory to the inhabitants on both sides of the river, the town entertained the project of spanning the river by a bridge. This would remove the more formidable objections, particularly of the villagers living nearest the river, to the continuance of the existing union.

The following is the vote of the town for that purpose, from a copy attested by John Cooper, the town clerk: —

"At A Generall Meeting of the Inhabytance of the towne the 8th of the 10th mo 1656 the Inhabytance of this towne doe Consent to pay Each one theare proportion of A rate to the sume of 200^s towards the building a brigd ouer Charles riuer upon Condition the same may bee Effectted with out further Charge to the towne Voted on the affirmatiue

Capt Gookin Edward yose John Stedman and thomas danforth are nominated A Community to prosecute and Effect the same." — *Mass. Archives*, vol. 121, p. 58.

How soon the work was begun does not exactly appear. That the bridge was speedily located, however, is certain; and for several years thereafter the town passed votes in favor of prosecuting the work; for instance, on November 12, 1660, and again on the fourth of February following, and finally, March 23, 1662–3, when it was ordered "that the bridge be laid in oil and lead," etc., which shows that it was so far completed that the woodwork was ready for painting.

The prospect of a connecting bridge did not prevent the inhabitants south of the river from renewing their prayer to the General Court for relief, and in 1661 they succeeded in procuring an order exempting all their "lands and estate" lying more than four miles distant from the Cambridge meeting-house, from ministerial rates.* This was all they then asked. But the next year, upon their application, another committee was appointed to visit the place and determine the four-miles line of division.† The committee attended to that duty, and their report, at the first session of 1663, was accepted by the General Court as a final adjustment of the boundary lines.‡

After about eight years' use, the superstructure of the bridge having become so dilapidated and decayed that it was presented by the grand jury of Middlesex as unsafe, the town made the following application to the General Court for assistance in putting it in thorough repair:—

"11th. 8ber. 1670. To the Honoured Geñall Court now sitting in Boston
The Humble Peticcoñ of the Inhabitants of Cambridge,

Humbly Sheweth:

Whereas sundry yeares since there was a bridge erected over Charles river in or Towne, by the free contribution of sundry or good friends in the neighbour Townes of both countyes, who were very freely helpfull to the Towne therein, and since the building thereof, hath been very vsfull not only to the Towne, but also a great accomodaccoñ to the whole country, farr beyond any other bridge in this colony. and although the foundaccoñ thereof yet remaynes firme *i e.* the spiles on wch it stands. and wee hope may so do for a long time. yet the vpper part is greatly decayed, and the continuall repayres thereof wee find will be a considerable expence, farr above the ability of or poore Towne to disburse, so that vnless some help be afforded vs by the wisdom & authourity of this court, it will of necessity fall. wch will not only be a lamentable ruine of so great a disburse but also as wee apphend a greater damage to the Publique, then the mainetenance thereof will be burdensome.

Wee do therefore humbly crave the favor of this honoured court for to take the same so farr into their serions consideration, as that by the wisdom & authourity of this court, there may be such help afforded vs, as may appeare to be meet & necessary in the p'mises./

subscribed by vs whose names are vnderwriten In the behalfe & by the appoyntment of the towne of Cambridge

JOHN STEDMAN

WILLIAM MANNING." — *Ibid.*, p. 54.

The deputies were disposed to take no action upon this petition, but finally concurred with the magistrates in the following vote establishing a schedule of tolls, which, it was thought, would be a sufficient encouragement for the undertaking of the work by the town, or by some person or persons at his or their own expense, without involving the county or colony:—

"wheras the bridge ouer Charles river; which was first erected, at the cost of that towne: together with the free contribution of seuerall publick spiritid P'sons in some neighbour townes: which bridge beeing now decayed by reason of the danger is p'sented to the county court of midlesex: and the towne of Cambridge as they alleadge in their petion beeing not able to repaire it so y^t of nessecity it must be puld vp & slighted & the passage there must bee serued by a ferry as hertofore which is not so safe, convenient, or vsefull, as a bridge for the ferry is altogether vseles in the winter & very in conenient to transport horses & not at all acomadable for carts or, droues of catle

The p'mises considered It is ordered by this court and the Authority therof for the incouradgemt either of the towne of Cambridge, areð any P'ticuler P'sons that shaill repaire y^t bridge or erect a sufficent cart Bridge ouer the riuier at Cambridg & mainteyne the same for the safty of the passengers: they are herby impoured to take toll, at the rates folowing vizt on peny for euery P'son, threepence for horse & man, six pence for euery cart, two pence a head for euery horse or other neat catle; on: halfe peny a head for sheepe goates or swine; and if any refuse to pay the toll afforsaid it shalbe at the liberty of such as mainteyne of the said bridge to stop their passage:; & this order to continue in for so long a time as the said bridge mainteyned seruicable & safe for passage—

The magists. haue past this their brethren the deputyes hereto consenting

25 october 1670

EDWARD RAWSON secret

Consented to by y^e deputyes

WILLIAM TORREY Cleric." — *Ibid.*

It would seem that this privilege of taking tolls was not immediately availed of, since, nearly two years later, the town passed the following vote looking to the alternative of a ferry in case the bridge could not be made safe at an expense of not more than forty pounds:—

"September the. 9th 1672

At A publicke meeting of y^e Towne. To Consider about Repayering of the Bridge, It is Ordered y^t they select men doe Cause y^e bridge to be Exactly searched & vewed & if vpon searching & vewing it be found that vpon puting in of sume new strings & Caps & planks it will be Repayered soe as it may be safely Carted oner for two or three yeares; Then y^e

* *Mass. Colony Records*, vol. IV., part II., p. 16.

† *Ibid.*, p. 61.

‡ *Ibid.*, p. 81.

§ *Sic.*

should Cause y^e same to be speedily Efected. provided the Charge extend not fourty pounds, which y^e Towne doe voate to pay out of y^e next Towne Rate; but if it be found vpon search That such A sūme will not Repayer it, to be safe for Carting: Then The select men are desired & ordered Eyther to provide A feary boate and A man to keepe it, or otherwise soe to Repayer y^e bridge, That horse & foote may pass securely. whether of y^e two wayes y^e shall find to be best for y^e publicke advantage, provided allwayes. That this present order for Repayering: notwithstanding it is Committed to y^e Care and prudence of y^e select men & a Comitty aded to them hereafter named or y^e major parte of them. to Consider & Contrine sūme way to fill vp y^e bridge wharfe wise, betweene y^e piles at each end Leauing only three Lengths for passage in y^e midst and to propose sūme way & means to fill y^e same, In A graduall way doing a parte every yeare till y^e whole be done, Allsoe to Impleye sūme persons to get Coutributions from other Townes for & towards y^e efecting of the same, — ffiances More. Humphry bradshaw: Zacariah Hicks. & Joseph Sill. were Chosen to helpe search y^e bridge.” — *Ibid.*, p. 59.

The prospect of being assessed for the expense of the proposed repairs, by the vote of the inhabitants of the old part of the town, seems to have given a fresh impulse to the movement, in the village, to be set off from the old town. Accordingly, in the October session of 1672, Edward Jackson and others of the south side presented to the General Court their petition praying for a separation.* A hearing on this petition was ordered for the next General Court, and notice thereof given. The parties appeared according to notice,† and the subject was continued to the next General Court, when the following vote was passed giving the petitioners the management of their local affairs, but not exempting them from colony and county taxes nor from the general town assessment for the support of the grammar school, the maintenance of the bridge, and the pay of the town representatives in the General Court: —

“May 7, 1673 In ans^r to the petition of Mr Edward Jackson & John Jackson, in behalfe of the inhabitants of Cambridge village, on the south side of Charls Riuer, this Court doeth judge meet to grant the inhabitants of the sajd village annually to elect one constable & three selectmen, dwelling among themselues, to order their prudentiall affaires of the inhabitants there according to lawe, only continuing a part of Cambridge in paying country & county rates, as also toune rates, so farr as refers to the gramar schoole & bridge, & also pay their proportion of the chardges of the deputjes of Cambridge, & this to be an issue to the controuersie betweene Cambridge & them.” — *Mass. Colony Records*, vol. IV., part II., p. 555.

In 1677 the inhabitants of the south side were appealed to in the following manner, by the selectmen, to contribute towards the repairs agreed upon five years before, but which apparently were not yet attempted or at least completed: —

“The select men of Cambridge. to y^e Inhabitants of y^e village on the south side of y^e River —

Bretheren and neighbours. Theare being A publicke Agreement of the Inhabitants of Cambridge in y^e yeare 1672 that a part of our bridge should be filled vp wharfewise with wood. And since wee haue ben stured vp theare to by sūme Gentlemen in y^e Country. And wee had Latly A meeting of our Inhabitants. to Consider of y^e disposall of our fortification timber (god by his good providence we hope haue prevented A nesessitie of it for y^e end Intended by subdueing y^e Indians) It was Concluded by our Inhabitants that it should be Improued for y^e filling vp A part of our bridge. and it was Committed to y^e select men y^t they should forthwith take Care for the Efecting of y^e same. which thing haue bene atended. and theare is 7 teare Allredy done and wee Intend God willing in y^e spring to be doing sūme more. And therefore we would give your selues. and our Remoate neighbours an oppertunitie to helpe Carrie it on either by bringing wood this winter time or other Labour when wee shall worke at it againe — It being to be Carried on by A publick Charge. and what you doe upon this account. It shall be discounted vpon your Rate to y^e bridge two thirds theareof, Alisoe it is desired y^t you would Let vs vnderstand what quantity of wood you will bring to y^e bridge this winter season within 4 weekes because we would provide it our selues against y^e spring — The wood y^t will sute y^e worke is such as men fortifie their houses withall the Length of it to be nine. ten: or a cleauen foote Long —

14 (10) 1677—

by y^e order of y^e select. men

JOHN COOPER Cl.” — *Mass.*

Archives, vol. 121, p. 59.

On the tenth of May, 1678, fifty-two of the inhabitants of the south side preferred a petition to the General Court representing that, although said inhabitants had regularly voted to give to the town one hundred pounds “in three years, without desiring any profit or benefit from them, of wood, timber or common lauds, but only” their “freedom,” in considération of the town’s consenting to their being set off as a separate township, this tender had been rejected and their request refused, and praying to be made a separate township with a corporate name. On this petition, notice to “all parties concerned” was ordered, returnable at the October session, when the selectmen of the town filed a long remonstrance, giving a history of the repeated efforts of the inhabitants of the south side to effect a separation, and professing to show how the partial success which had attended these efforts had been injurious to the town.

It would seem that in this instance the remonstrants prevailed. Nothing has been discovered, either in the court records, or in the archives, or elsewhere, tending to show that any change in the existing relations of the town and village was made upon this petition.

Six years later, the inhabitants of Cambridge again applied to the Legislature for assistance, in the following petition, in which they give an account of the expenses incurred by them on account of the bridge: —

* *Mass. Colony Records*, vol. IV., part II., p. 547.

† *Ibid.*

“To the Honorable the Gour Magistrates & Deputyes now assembled in the Generall Court.

15th 8^{mo} 1684:

The Petition of the Inhabitants of Cambridge
In most humble wise sheweth.

It is not unknown to this Honored Court that your poor petitioners, haue many yeares since erected a Cart Bridge ouer Charles Riner adjacent to our Town which is in length beside the abutments Twenty two pole for the erection whereof was disbursed more then five hundred pounds. besides the Caus way, & butments which Cost us an hundred pound more. and after the first seauen or eight yeares, we are yearly at a Considerable charge for the repayr of y^e vpper worke thereof. And when it had stood about eighteen yeares, was soe decayed that it greew extreem dangerous both for man and beast. we were then in a doubt among our selues, whether to repayre it, or to let it drop down, being sensible of our own Inability to stand vnder the greatness of the Charge that we must of necessity bee put vnto for the repayre thereof, yet not knowing how to remayne a society should it fall, and did therefor resolue to doe to the vttermost of our powre for its repayre, and in pursuance thereto haue filled it vp with wood, Leauing onely fiue arches for the water to pass, the Charge of which last repayre hath binn more then five hundred pound: & the vsefullness thereof to the whole Conuntry is soe great, that we haue bin from time to time much encouraged by such as passed ouer it, to represent this our ouerburdened Condition to this Honored Court, as being Confident that there would be a readyness to afford us some reliefe. now as the disbursements haue binn already very great, soe it yet remaines a Constant charge vnto us: & this yeare wee must again expend more then fifty pound in further repayres, or what we haue already done will be vtterly lost.

Wee doe therefor humbly beg pardon for giueing the Honored Court the trouble of this our address; and haue Confidence that on a mature Consideration of the premisses, your selues will Judge that we haue not complained of a burthen where non appears to be reall, and that it would be Injustice to our selues should we haue bine silent to represent this our ouerburthened Condition to this Honored Court; as well as vncharitableness to our neighbours and brethren should we doe it without some little hope of finding sutable release;

All which we doe in most humble wise Commend to the wisdom & Goodness of this Honored Court, and shall alwayes remayne to pray &c

¶ order SAM^l ANDREWS *Clar.*” — *Ibid.*, p. 62.

The following is the action taken upon the foregoing petition:—

“In Answer to this Petition, The Magistrates think fit that Cambridge be allowed Ten pounds Ψ Annum out of their Country Rate toward the maintenance of y^e Bridge; Their Brethren the Deputyes hereto consenting.

Octr 23th 1684.

SAM^l SEWALL Ψ Order.

The deputs Consent hereto provided the bridge be kept in Continuall good repayre & that the sd ten pounds allowed be in Country pay

Consented to by y^e Magist^s 24 8/mo 1684

WILLIAM TORREY *Cleric.*

EDWARD RAWSON *secret.*” — *Ibid.*

This annual grant or allowance of ten pounds to the town appears to be the only further relief vouchsafed to Cambridge by the government during the colonial *régime*. When Andros became governor, however, the inhabitants of Cambridge Village, having succeeded in their long-cherished aim to be wholly set off from the present town, the Governor and Council apportioned the expense of maintaining the bridge, upon the county, the town, and the village, in the proportion of one-half, one-third, and one-sixth, respectively. The date of the order of notice upon the application for this separation was January 6, 1687-8, and the order in Council was as follows:—

“At a Council held at the Council Chamber in Boston on Wednesday the eleventh day of January, 1687; Present,

His Exec. St. Edmund Andros, Kt., &c.

William Stoughton,
Robert Mason,
Peter Buckley,
Wait Winthrop,

} Esqs.

John Usher,
Edward Randolph,
Francis Nicholson,

} Esqs.

Upon reading this day in Council the petition of the inhabitants of Cambridge Village in the County of Middlesex, being sixty families or upwards, that they may be a village and place distinct of themselves and freed from the town of Cambridge to which at the first settlement they were annexed; they being in every respect capable thereof, and by the late authority made distinct in all things saving paying towards their school and other town charges, for which they are still rated as a part of that town; and also the answer of the town of Cambridge thereto; and hearing what could be alleged on either part, and mature consideration had thereupon; those who appeared on the behalf of the town of Cambridge being contented that the said Village be wholly separated from them as desired, and praying that they may be ordered to contribute towards the maintenance of Cambridge Bridge, and that other provision be made as formerly usual to ease the town therein:— Ordered, that the said village from henceforth be and is hereby declared a distinct village and place of itself, wholly freed and separated from the town of Cambridge, and from all future rates, payments, or duties to them whatsoever. And that, for the time to come, the charge of keeping, amending, and repairing the said bridge, called Cambridge Bridge, shall be defrayed and borne as followeth (that is to say), two sixth parts thereof by the town of Cambridge, one sixth part by the said Village, and three sixth parts at the public charge of the County of Middlesex.

By order in Council, &c.

JOHN WEST *Dy. Secy.*” — *Paige's*

History of Cambridge, p. 95.

On the fifteenth of December, 1691, Cambridge Village received its corporate name of New Town* by an ordinance of the provisional government, and on the third of March,

* Council Records, vol. VI., p. 207.

1693-4, the General Court by a public act* revised the apportionment ordered by Andros, and, while holding Newton to all its existing engagements to contribute to the repairs of the bridge, it put the responsibility for rebuilding the bridge, and maintaining it for the term of twenty years, upon the town of Cambridge, in consideration of which that town was to receive a grant of one hundred and fifty pounds from the province treasury.

The petition upon which this act was passed is as follows:—

“To his Excellency S^r Will^m Phips Kn^t Govern^{or} in Cheife of this theire maj^{ties} Province of the Massachusetts Bay in New England and to the Hon^{orable} Councill and Representatives Convened in Gen^l Court or assembly—

The Petition of the Inhabitants of Cambridge in the provnce aforesaid in most humble wise sheweth.

That yo^r Petition^{rs} being encouraged to so great an vndertaking by the liberall contribution of neighbouring Townes about Thirtie yeares since, did erect the great Bridge over Charles Riuer, The vpholding whereof being had in considration in S^r Edmund Andros his time of Govern^t, It was then ordered that one moi^{ty} of charge should be payd by the County for all nesessary repaires one sixt part by the villiage belonging to o^r Towne on south side the riuer, the remainder (vizt) 2/6 p^{ts} by the Towne:

And the Gen^l Court hath since accordingly priuiledge said villiage, wth confirming to them said ord^r refering to theire liberty of being a peculiar, but for want of confirming theire and the, said Counties obligation by said ord^r In S^r Edmund Andros Gov^{rn}^t refering to the Bridge, the Towne hath had no Releif from y^e County excepting for one yeare, The burthen whereof is now so heavy vpon us, that wthout some releife, we are not of o^r seluies capable of vpholding the same any longer—

The conveniency and advantage of s^d Bridge to all p^{rts} of this province is well knowne, for Travilers, Carts and drovers of w^{ch} there will be a greater sence of the want thereof then now is if it be sufered to fall

And besids disbursm^{ts} for making nessessary high ways over the marshes for passages thereto about sixteen yeares since (at the sole Charge of the Towne) we filled vp said Bridg wth Timber leaving only convenient passag for the watter and Boates, w^{ch} for the Gen^{ty} is yet in good order, and if now neglected will be all lost

O^r Humble request therefore is that this Hon^{ble} Court will please to confirme the afore said ord^r made by the Gov^{or} and Councile in S^r Edmond Andros time of Govern^t, or in some other way as to you shall seem most just and equall to order the pay^{mt} of nessessary disbursm^{ts} for vpholding the same, in such repaire as may be for the safty of all Travi^lors In case the veritie of w^t we thus Humbly present be doubted

Wee pray that a committe of meet p^{rs}ons be apointed by this Court to come vpon the place that they may wth theire owne eyes Behold the trnth thereof, That so great expence should be lost for want of Releife and the burden thereof be left only to the remainder of Cambridg wee p^{rs}wad o^r seluies will to them seeme pityfull— May we obtaine the just favor of yo^r Exceleny and this Hon^{ble} court in the premises yo^r Petitioner shall be greatly obleiged in thankfulness and shall remaine to pray: &c:

| | |
|-------------------------|----------------------------------|
| WALTER HASTING | } Select men.” — <i>Mass.</i> |
| JN ^o JACKSON | |
| SAM ^e ANDREW | |
| EDWARD WINSHIP | |

Archives, vol. 121, p. 64.

This petition was read in the House on the fourteenth of November, 1693, when a vote granting the prayer thereof was passed, and sent up to the Council for concurrence. The Council not concurring, the petition was referred to a joint committee consisting of John Hathorne and Samuel Sewall, of the Council, and Richard Sprague, Stephen Frances and Timothy Clarke, of the House.

On the first of December, the report of this committee, in the form of an order, was read, a first time, apparently, in the House. It was as follows:—

“In answer to the Petition of Cambridge relating to the great Bridge over Charles-River Ordered that all the Land on the south side of Charles River be from hence forth laid to, and for ever be within the County of Suffolk, And that in Consideration thereof, and the benefit that Boston and many other Towns adjacent enjoy by s^d Bridge, The County of Suffolk do for ever hereafter bear one full half of the Charge of Repairing and maintaining the said Bridge; and that Part of Cambridge lying on the North side of the River, to bear the other half.

We the Co^mmittee apointed to consider how the Charge of Cambridge Bridge ought to be born doe make the above-written Report

| |
|---|
| JOHN HATHORNE |
| SAM ^e SEWALL. |
| RICHARD SPRAGUE |
| STEPHEN FRANCES |
| TIM ^o CLARKE.” — <i>Ibid.</i> , p. 65. |

This report was read again on the fourth, and on the fifth it was accepted by the House with the following amendment, and was ordered to be sent up to the Governor and Council for concurrence:—

“Boston Decemb^r 5th 1693. if this passes both houses y^e law for stateing y^e bounds of y^e Counties to be Repealed.” — *Ibid.*

Accompanying this report, in the archives, is the draught of another order, without date, making the same apportionment of expense for future repairs, with a memorandum (endorsed “for present repair”), of three hundred pounds, to be contributed equally by Suffolk County, the Province and the town of Cambridge.

Still another memorandum, evidently prepared in the Council, is preserved with the foregoing papers, which runs as follows. —

* Province Laws, 1693-4, chapter 22.

“His Excellency the Govern^r wth the Councill being deeply sencible of the damage to the publike in case the great Bridge at Cambridge be not forthwth repaired, & Judging it to great a burthen to impose the whole charge thereof vpon that litle Towne of Cambridge, Propose that the present necessary disburse, w^{ch} is estimated to be about 300^l be paid 100^l Ψ Cambridge, 100^l Ψ the County of Suffolke. 20^l Ψ Newtowne. & the remainder 80^l to be by a voluntary Contribution of such as are well-wishers to so necessary & publike worke. Charles River to be the bounds between the Countyes of Suffolke and Middlesex.” — *Ibid.*

Before the introduction of the bill which passed to be enacted,* for annexing to the county of Suffolk the lands on the south side of the river, and for apportioning one-fourth of the charge of maintaining the bridge upon the town of Cambridge and the county of Middlesex, and the other half of the expense upon the county of Suffolk, the following bill had been prepared:—

“An Act for Repairing and maintaining of the Bridge over Charles River by Cambridge

Whereas the Bridge over Charles River in the bonnds of Cambridge within the County of Middlesex is of common use & advantage as well to the County of Suffolke as the s^d County of Middlesex, The same being at first Erected by a general Contribution of y^e neighbouring Towns of both Counties and having been hitherto upheld at the Charge of the Towns of Cambridge and Newton sometime a peculiar of Cambridge, and the s^d Bridge being now broken down and fallen to decay, And forasmuch as the whole Charge of new building and maintaining of the same seems not only to be unequall but would also be insupportable to lye upon the s^d two Towns, others having so great a share in the benetit and advantage thereof.

Be it therefore ordained and Enacted by the Governour Council and Representatives in General Court assembled, and by the authority of the same. That the s^d Town of Newton and all the Land lying on the south side of Charles River be from henceforth added and laid to and for ever continued to be within the County of Suffolke, the act referring to the setting and stating of the Bounds of Counties or any other act or thing to the contrary thereof in any wise notwithstanding, and that in Consideration thereof, and the General benefit that both the afores^d Counties have and receive by the s^d bridge —

It is further Enacted and ordained That the s^d Bridge over Charles River be forthwith well and sufficiently made up and set into good repair and from time to time and at all times for ever hereafter when and so often as there shall be occasion be maintained repaired and new made at the charge of that part of the Town of Cambridge lying on the north side of the River, the s^d County of Suffolk and County of Midd^x in proportion as followeth. That is to say, one Fourth part thereof to the s^d north part of Cambridge, one Fourth part to the s^d County of Midd^x and the other halfe to the s^d County of Suffolke. And the Court of Quarter Sessions or four of the next Justices of Peace (*Quorum unus*) within each of the s^d Counties shall appoint two Surveyers to order and see the s^d Bridge repaired and amended from time to time as often as need shall require. which surveyers are to keep an exact accompt of the whole Charge of doing y^e same. and such accompt shall present to the Justices in General Sessions of the Peace, to be by them approved and allowed. and the s^d Justices shall proportion and state the charge upon the severall Towns within the s^d Counties in manner as afores^d and make out an order unto the selectmen or Townsmen of each Town respectively to assess and Tax such Towns just part and proportion of s^d Charge so set upon the Inhabit^{ts} thereof in a List fairly written with every particular persons name and surname and sum therein set down as equally as they may according to the Rules and methods used for raying of other publick Charges, and such List being perfected & signed by the Selectmen they shall deliver unto the Constable or Constables of such Town with a Warrant thereto affixed under the hand and Seal of the Town Clerk, who is hereby impowred to grant the same, requiring such Constable or Constables to collect all the particular summs of money therein contained and to deliver and pay in the same unto the Surveyers so appointed for the defreying of s^d Charge — and in case of any persons refusall or neglect to pay the sum whereat he is so assessed, to levy the same by Distress and sale of such persons Goods returning y^e Overplus, if any be, to the owner. And the said surveyers their Exec^{rs} or admin^{rs} and every of them shall from time to time render a true accompt unto the Justices in General Sessions of the Peace upon oath if required of the receipts paym^{ts} and expences of all such moneys.” — *Ibid.*, p. 66.

This bill was rejected and withdrawn.

The language of this act, respecting the obligation of the inhabitants of Newton to contribute to the expense of rebuilding or repairing the bridge, was equivocal, since no particular agreement between that town and Cambridge was therein designated. By the following petition, which led to the vote that constitutes the present chapter, it will be seen that the selectmen of Cambridge alleged, as a grievance, the refusal of the inhabitants of Newton to make any contribution whatsoever:—

“To his Excellency the Gov^r and Councill, And Hon^{le} Representatives, in Gen^{tl} assembly

The Humble adress of Walter Hastings, James Oliuer, Jonathan Remington and Jn^o Jackson, Select men, on the behalfe of the Towne of Cambridge

Humbly sheweth—Whereas the Hon^d Gen^{tl} Court at there late sessions Passed an Act for the vpholding the Great Bridge over Charles River in or Towne, And were pleased pursuant there-to to favor the Towne wth the Grant of one Hundred and fifty pounds to be paid them out of the Treasury publique for w^{ch} Grant we return this Hon^d Court the Humble Thankes of the Towne, But we haue or hands now further weakened by the wthdrawing of that p^{rt} of or Inhabitants called the Newtowne, who haue giuen us there possitiue denyall of yeilding any assistance to vs in that worke, and will Inevitab^{ly}

* The bill which was enacted was approved by the representatives and sent up for concurrence, February 28, 1693–4. On the third of March it had its several readings in the Council, was passed to be enacted and was consented to by the Governor. Province Laws, 1693–4, chapter 22.

thereby put stop to or further progress, It is therefore or Humble request that by the Authority of this Court those or Inhabitant, aboue named may be called before this Court to giue the Reason of theire denyall, to Joine wth and contribute theire just share and dues to said work, as in Justice and Equitie they are bound that so we and they, may Receiue this Courts Judgm^t and order therin, And repaires of said Bridge not longer retarded to the great damage of the publick and Indangering the liues of both man and beast And yor Petitionors shall remain Humbly to pray —

Cambridge June 2^d 1694

WALTER HASTING
JAMES OLIVER.
JONATH^N REMINGTON
JOHN JACKSON." — *Ibid.*, p. 70.

On the twelfth of June the selectmen of Newton appeared before the committee named in this chapter and filed the following answer: —

"To the honored Gentle men of this commetie the select men of Newton being ordered by this great and general covrt to give ovr resones why we refvse to pay to the charge of the great bridge in Cambridge

the land that we poses was not given vs by the town of Cambridge bvt was land given by the former general covrt of this colony granted for farmes to Gentle men or pyrchised by vs or ovr predesors of the town of Cambridge in general or of pertickeler men of Cambridge nor ware any of vs dwelers in Cambridge bvt came from other towns or borne in the place

where as Cambridge select men prodvce an order baring date 73 wherin we ware oblidged to pay to the bridge so we ware to the gramers school and the depeties charges also to pay ovr cvntrey and covnty rates to Cambridge by that order bvt we humbly conceive that the order of the general covrt baring date december ye: 15: 1691 doth take of that obligation for we were then a part of Cambridge bvt now are newton and we hvmbly coceive the later order takes of the former so that we are not vnder any obligations to Cambridge bridge more then to the rest of the pertickelers exprest therin

The town of Cambridge never owned vs any part of them bvt to pay to them rates when we aplyed ovr selves to them for their consent that we might have the ministrey a movngst vs they aposed it and would not grant it to vs and when we had the ministrey they divided 3 thovsand acres of land lying in ovr town amongst the inhabitants of Cambridge bvt gave none of ovr inhabitants one acre nor to ovr minister one foot notwithstanding we have paid rates to them several hvndereds of povnds also we hare ovr share to pyrchis amenition bvt when the war brake ovt first we could git non of it it was answered it was the towns and we weare constrained to make a reate amongst ovr selves to by amenition for ovr own defence we allso have desiered other things of les concern bvt always have ben denied

The nerest part of ovr Town bovnnds is 3 miles and a half from the bridge and the bridg is no benefict to vs more then to other towns bvt is a great damage to vs for it spoiles the paseg of boats vp the Reiver to feeth wood and timber as they cold do before the bridge was filed vp and also spoiled the takeing of fish at the weares for since the bridg was filled vp few come vp the river we hvmbly conceive it to be very hard that we should pay to maintain their bridge to ovr so great damage

We humbly leave these pertickelers to yovr honovrs seriovs consideration whether it wil be ivst and equal that we should be ingaged to help to reepair and maintaine there bridge which is not only no benefict to vs bvt greatly to ovr damage we allso not being of their town

Newton Jvn: 12: 1694

TOMAS PRENTIS Cap
JOHN FULLER SEN
EDWARD JACKSON." — *Ibid.*, p. 71.

Endorsed upon this petition is a brief memorandum of the finding of the committee, which appears in full in their report as follows: —

"Wee whose names are hereunto Subscribed, being appointed by the Generall Court to be a Committee to hear what may be alledged by the Select men of Cambridg in behalfe of said Town relating to any agreement or Obligation they have upon the Inhabitants of the place now Called Newton to Contribute towards the Charge of making and maintaining the Bridge over Charles-River at Cambridg, and that the Inhabitants of said Newton may also be heard, and to make report to this Court.

Having met according to said Order, and heard the pleas and allegations of both parties, Do report as followeth.

That by the Concession of the Gentlemen of Newton, it is abu[n*]dantly owned that they were a part of the Town of Cambridg at the making of said Bridge, and did pay towards the maintaining of the same, and were Obliged so to do by all the Acts of Courts or Assemblies presented to our View; and have obtained noe Exemption therfrom by any act of Court, Assembly or Town, though they have proffered formerly a Considerable sum to the Town of Cambridg for a grant of freedom from the [rates (as*) appears by their petition to the General Court in the year 1678) which Said Town of Cambridge would not accept.

And therefore we are of opinion that the Town of Newton may be obliged to bear such part & proportion of the Charge of maintaining said Bridg as this Court shall Judg meet, though their pleas of the little benefit said Bridg is unto them deserves Consideration, all which is humbly Submitted by

Boston 12th June 1694.

JOHN PYNCHON
NATH: SALTONSTALL
JOHN HOLBROOK
PENN TOWNSEND
WILL^M SCREUEN." — *Ibid.*, p. 72.

The above report was read in Council on the thirteenth, when a vote was passed, and ordered to be sent down to the House for concurrence, that the town of Newton "do pay one third part of the charge of said bridge."

On the same day that the above vote was passed, the following petition was filed: —

“To his Excellency Sr William Phips Knight Capⁿ Generall and Gov^r in cheife of their Maj^{ties} Province of the Massachusetts Bay and Honrd Council with the Representatives thereof now assembled in Generall Court

The Petition of the Select men of New Towne

Humbly sheweth

That whereas some of our Neighbours of Cambridge have by Petition to the Honrd Court, signified their desire, our Inhabitants should Continue to be att charges for the repaireing and maintaineing of Cambridge Bridge, wec with the Consent of or Inhabitants, doe humbly crave of the Honrd Court Leave to Express our humble request for freedom, from that which will be to us soe great, and wee feare an insupportable burden without any profit to us, but rather to our damage Neither can wee understand That the Towne of Cambridge doth Concurr in the select mens petition, but wee are Informed that there are Considerable men amongst themselves who Judge that the benefitt will not Counter-vaile the excessive charge, wee doe humbly request those petition^{rs} may Produce a Towne vote for their soe acting, wee have been for some yeares and are still kept low by the necessary Publick Charges which wee have Endeavourd to beare our proportion of patiently and Chearfully Besides considerable charge arriseing among our selves; And wee doe therefore humbly request wee may not have an addition made thereto att this Time, such also is the shattered Condition of the Bridge Even to the very foundation that it may be feared and Judged questionable whether it be capable of repaire, and doe feare that money Layd out upon it will be Little better then Lost, and would humbly move, may it stand with the Pleasure of the Honrd Court that before a finall determinacōn a Committee may be Appointed to View the sd Bridge and make their returne to the honrd Court And yor Petition^{rs} Craveing pardon for this or boldness

Shall ever pray &c^a

June 13: 1694

Capⁿ THOMAS PRENTICE

JOHN FFULLER SEN^E

JAMES PRENTICE

JOSEPH FFULLER

EDWARD JACKSON

Select men.”

— *Ibid.*, p. 73.

The report of the committee was considered in the House on the fourteenth, and the following vote was passed thereon and sent up to the Governor and Council, “for consent:” — “We do not find Newton to be obliged to pay to repairing the bridge over Charles River at Cambridge, the General Court having granted them to be a township.”

The deadlock in the Legislature, thus begun, continued until the passage of the public act of July 19, 1699.* See, further, resolves, 1695-6, chapter 15.

Chap. 4. This chapter is from council records, vol. VI., p. 347. It has not been found in the archives.

Chap. 5. This chapter is from council records, vol. VI., p. 351. It has not been found in the archives. See resolves, 1693-4, chapter 23, and note; also note to chapter 32, *post*.

Chap. 6. This chapter is from archives, vol. 58, p. 148. It is recorded in council records, vol. VI., p. 351.

Increase Mather left Boston in disguise to avoid service of a writ in an action for defamation, — sailing for England on the seventh of April, 1688, in the ship *President*. According to Sewall,† he proceeded in his flight, on the thirtieth of March, first, to the house of Captain John Phillips, in Charlestown, whose sister Cotton Mather had married, thence, on the next day (Sunday), “to Aaron Way’s by Hogg-Island” (East Boston); and thence, on Tuesday night, “to the Boat near Mr. Newgate’s Landing-place, so throught Crooked Lane and Pulling Point Gut to Mr. Ruck’s fishing-Catch, thence to the *President*, Capt. Arthur Tañar’s Ship, as above.”

The final incidents of his departure are thus narrated in the *Diary*: —

“Satterday, Apr. 7th 1688. Capt. Arthur Tañar sails about 10 aclock, a shallop follows quickly after, which ’tis said is to prevent Mr. Mather’s getting on Board: ’tis certain all the Town is full of discourse about Mr. Mather.” — *P.* 209.

In the winter following the overthrow of Andros, the provisional government resolved to appoint agents to England, “to negotiate and transact the public affairs of this colony there.” On the seventh of December, Elisha Cooke was requested by the unanimous vote of the General Court “to undertake a voyage for England to join with Sir Henry Ashurst, Knight and Baronet, and Mr. Increase Mather (if he shall then be resident in England)” in this agency. On the thirteenth, a committee of the Council was appointed to prepare “letters to be sent to the Secretary of State, to Sir Henry Ashurst, Mr. Mather and such others as may be advisable for our public concerns, to be sent by the first opportunity.” On the sixteenth, the Treasurer was directed “to provide bills of exchange for one thousand pounds sterling payable to” the agents, towards defraying the public charges of the colony in England.

On the eighteenth of January the committee previously appointed to prepare letters, etc., were ordered to draw up “a commission and instructions” for the agents, and on the same day Dr. Thomas Oakes was chosen agent, to act with the others. By the twenty-fourth of January the commission and instructions were completed. Meanwhile it was thought politic to invite the Rev. Ichabod Wiswall, who had formerly served the colony of

* Province Laws, 1699-1700, chapter 11.

† *Diary*, vol. I., p. 210.

New Plymouth in the capacity of agent to England, and who was then living at Duxbury, without the limits of the colony of Massachusetts Bay, to coöperate with the regularly constituted agents of Massachusetts in their labors abroad.* Therefore, on the thirteenth, a letter was sent by special messenger to Wiswall, from the Council, apparently to sound him on the subject; and on the sixteenth he received a formal invitation to undertake the service and to proceed therein in company with Dr. Cooke who was about to sail.† The messengers who bore this letter were Joseph Eliot and Samuel Sewall. Wiswall accepted, and though not included in the commission was compensated for his services.‡

The following is the vote granting the first instalment of compensation to the agents. It would seem that at the date of the passage of the vote which constitutes this chapter Mather had received the whole amount granted to him but that his associates were not so fortunate:—

“Nov. 4, 1690. Ordered, That Mr Treasurer pay unto the use of our publick Agents, now upon the Service of the country in England, Viz: To the Rev^d Mr Increase Mather One hund^d pounds, To Elisha Cooke Esq^r, and Thomas Oakes Esq^r fifty pounds a piece.” — *Council Records*, vol. VI., p. 164.

Mather's services as agent were gratefully recognized by Plymouth Colony which granted to him, as well as to Sir Henry Ashurst and Mr. Wiswall, a gratuity, as shown in the note to chapter 8, *infra*.

Chap. 7. This chapter is from archives, vol. 106, p. 382. It is recorded in council records, vol. VI., p. 351. See notes to chapter 6, *supra*, and chapter 9, *infra*.

Chap. 8. This chapter is from archives, vol. 106, p. 381. It is recorded in council records, vol. VI., p. 352.

As appears in the note to chapter 6, *supra*, Mr. Wiswall was not included in the commission to the Massachusetts agents appointed in 1689-90, although officially requested to coöperate with them. His views and influence in this position are thus described by Hutchinson:—

“Mr. Wiswall, a minister of Plimouth colony, a gentleman of piety and learning, was in Boston when Mr. Cooke and Oakes were about to embark, and he was desired to go with them. He had no credentials. He joined in politicks with Mr. Cooke, rather than with Mr. Mather. The people of Plimouth were extremely desirous of continuing a separate government, but if that could not be obtained, they chose to be annexed to the Massachusetts, rather than New-York. When Mr. Slaughter was appointed governor of New-York, Plimouth was put into his commission, but by the industry and discreet application of Mr. Mather, the commission was altered. An order, after this, was issued to the Lords chief justices, Holt and Pollexfen, and the attorney and solicitor general, to draw up a new charter for the Massachusetts, and Plimouth was included in it. When Mr. Wiswall understood this, he opposed it, in hopes of obtaining a separate grant. This offended the solicitor general, and he struck out Plimouth, and it was again intended they should be annexed to New-York. When this news reached the colony of Plimouth, many people were alarmed, yet their general court persisted in desiring Sir Henry Ashurst, their agent, to apply for a separate charter, without signifying, that they chose to be joined to the Massachusetts, rather than to New-York, nor could they raise any money, the people about Bristol, Dartmouth, &c. pretending that there were no hopes of any charter for them, nor the Massachusetts neither. The sentiments of many of the best men in the colony were known to Mr. Mather, otherwise, it is not improbable, Plimouth would finally have been included in New-York commission, although near 300 miles distant.” — *Hist.*, vol. I, p. 405.

His services in behalf of the colony of New Plymouth were recognized in the following order of the general court of that colony, by which it appears that the legislature ratified the vote of the town of Plymouth only in the case of Sir Henry Ashurst:—

“March 3, 1690-1. It is ordered and agreed, that the honor^d Gov^r, in behalf of the colony, return their hearty thanks to the Honorable S^r Henry Ashurst, & the Reverend Mr Increase Mather, & y^e Reverend Mr Ichabod Wiswall, for their care & service for y^e good of this colony. And thō the colony labour under many inconveniences, being small in number, low in estate, & great publique charges, by reason whereof are not capable to manifest their thankfulness sutable to the obligations that we have and may be layed under, yet doe desire the Hon^{ble} S^r Henry Ashurst to accept 50 guineas, and the Reverend Mr Mather & Mr Wiswall 25^{ld} a peece, and to desire & impower the Hon^{ble} S^r

* Sewall's Letter-Book, vol. I., p. 95. Diary, vol. I., p. 309.

† In February, the town of Plymouth voted, “that it was their desire that the utmost endeavours be used to obtain a charter of his majesty, that we might be and continue a government, as formerly. Further voted, they would be held for their proportion of £500, and more, if need require, for that purpose: and at this time agreed to raise their proportion of £200 in advance, to be sent to the gentlemen empowered as agents. Also voted their desire and choice of Sir Henry Ashurst, Mr. Increase Mather, and Mr. Ichabod Wiswall, to be their agents to procure a charter.” This entry has not been found in the printed records of the town, but is taken from Samuel Davis's “Notes on Plymouth,” in Mass. Hist. Soc. Coll., vol. III., second series, pp. 189, 190, and appears to be authentic.

Another vote, however, on the subject of the agency appears in the printed town records, under date of February 23; as follows:—

“The Towne Joantly voted it was their desire that utmost endeavors should be used to obtaine A Charter of his majesty that wee might be and Continue A distinct Government as formerly

The Towne also then voted that they would bear their proportion of five hundred pounds & more if need Require for the obtaining A charter and at present to Raise their proportion of two hundred pound for that end and purpose to be sent to those gentlemen that shall be Improved as our agents and the Remainder to be Ready upon tidings from them to be delivered for the accomplishment of our desires.” — *Vol. I, p. 202.*

‡ See resolves, 1694-5, chapter 8, and note. They sailed March 18th, or soon after.

Henry Ashurst that he would be pleased to use his care & endeavour to procure a charter from the King for a distinct government for this colony, with such regulations & enlargements as his majesty shall be pleased to graunt, and to send such power and instructions as are necessary; and that Sr Henry be pleased to advise with s^d M^r Mather & M^r Wiswall as he hath opportunity and seeth cause in any thing that may relate to us, and that the said M^r Mather and M^r Wiswall be wrote unto, to give such informations to Sr Henry as they think may be any ways advantageous for us." — *Plymouth Colony Records*, vol. VI., p. 260.

He had previously served the colony of Plymouth in the same capacity under the vote of the general court of that colony, of February 6, 1682;* and it was his efforts, in his present position, to prevent the union with Massachusetts that the crown officers were contemplating in 1690, which induced the above vote. Mather also won the gratitude of Plymouth by his success in preventing a similar union with the province of New York.†

The order in Council for the payment of the sixty pounds granted by this chapter is dated January 3, 1694-5.‡

No entry in the treasurer's accounts has been found of the payment of this sum; but since those accounts, for the period between November 7, 1695, and November 11, 1696, are missing from the archives, it is not to be inferred that the amount was not duly paid agreeable to the order.

Chap. 9. This chapter is from archives, vol. 106, p. 381. It is recorded in council records, vol. VI., p. 352.

The preamble and vote which constitute this chapter are substantially the same as those passed in the House of Representatives, December 12, 1693, — the only difference being the addition of the clause confining the appropriation to the next province tax.

The money granted in this vote seems already to have been voted in chapter 7, *supra*. No conjecture as to the reason for this cumulative legislation seems plausible except it be that this chapter was deemed necessary in order to render the amount granted more definite. It is certain that the treasurer accounted but for one payment under these votes, and this was according to the following order in Council: —

"Aug. 17, 1694. Forasmuch, as the great and General Court or Assembly at their Session begun and held at Boston the Thirtieth day of May last, Voted, That Elisha Cooke Esqr and M^r Thomas Oakes be paid the sum of one hundred pounds a piece out of the publick Treasury of this Provice as a Reward for their service in their late Agency in Engl^d over and above what hath been already allowed them, and the sum of Thirty seven pounds and ten shillings disbursd by them for their passages and accommodations in their voyage from England, to be ordered out of the next Tax, necessary supplies for souldiers &c^a being first made, as also that there be alike paid unto the s^d Thomas Oakes the sum of twenty pounds remaining due upon a former vote for Fifty pounds.

Pursuant to which afore recited Votes, and the Act Entituled An Act for granting unto their Majties a Tax of twelve pence a Poll and one penny on the pound for Estates, amongst other things applied to the payment of Grants made and to be made by the said Court, and for the discharging of the publick Debts due from this Province.

Ordered. That M^r Treasurer do accordingly pay unto the said Elisha Cooke and Thomas Oakes the above mentioned sums of one hundred pounds a piece & Thirty seven pounds ten shillings; and alsoe to the s^d Thomas Oakes the above sum of Twenty pounds.

WILLIAM PHIPS." — *Executive Records of the Council*, vol. 2, p. 275. See, also, *Mass. Archives*, vol. 122, p. 43.

Chap. 10. This chapter is from archives, vol. 100, p. 490. It is recorded in council records, vol. VI., p. 352.

The following is the petition referred to in this vote: —

"To his Ezelencie the Gouverner Counsell And Represeta Conneand in Generall Asemblie 16th februar 1693/4

The petetion of Ambros Daues

Humble sheweth that whereas yo^r petetioner was imploid in theare Magesties saruis at pemiqd in the yeare 1692 for the space of five months wheare he did nott only attend as a soldier and as a workeman implid by his Ezelencie And in said saruis Lost one of his Eyes besids the greate miserie and paine he under went thearby; he hath beene made vnncapble of doeing Labor six months or seuen and alsoe more vnable to gett a Lineliehood then formerly togetther wth the Expencis upon the Chirurgion for the saning the sight of itt; The premicis being Considered your poare saruent humblie Requests your honers to allowe him oute of the treshury soe much Aither Annewally or togetther as your honrs shall in preudence thinke best hoping you will not doe otherwise with your saruent then in such Casis of Los of Lims hath beene dun wth others; The Redines of your saruent w^{ch} he hath alwais shewen for to attend their magestis saruis at your Comand may be still incoridg whoe for your honrs shall think it an honer to doe Any firther saruis wch he is Capable to doe

And shall still praye for your honers prosperitt as in deutie bound." — *Mass. Archives*, vol. 70, p. 220.

Chap. 11. This chapter is from council records, vol. VI., p. 352. It is preserved in archives, vol. 88, p. 322.

The earliest provision made by the colonial government for the safe deposit of letters received for transmission or delivery was the following order of the General Court: —

* *Plymouth Colony Records*, vol. VI., p. 99.

† See vote of June 24, 1690. *Ibid.*, p. 259.

‡ *Executive Records of the Council*, vol. 2, p. 306.

"Nov. 5, 1639. For Preventing the miscarriage of letters; & it is ordered, that notice bee given that Rich^d Fairbanks his house in Boston is the place appointed for all letters which are brought from beyond the seas, or are to bee sent thither, are to bee brought vnto; & hee is to take care that they bee delivered or sent according to their directions; & hee is allowed for every such letter a 1^d, & must answere all miscarriages through his owne neglect in this kind; & y^dvided, that no man shalbee compelled to bring his letters thither, except hee please." — *Mass. Colony Records, vol. I., p. 281.*

Nothing has been found to show how long Fairbanks continued to act in the office to which he was thus appointed, nor has there been discovered any proposal for the appointment of a successor in that office until between twenty-five and thirty-five years later. The following petition is preserved in the archives. The names of the signers are the only clew to its date, since the journals of the House are not in existence, and it does not appear to have been acted upon by the assistants. Eliakim Hutchinson, one of the signers, came to Boston from London, in 1664, and John Freke, another signer, died May 4, 1675, which places it within the period during which Leverett was governor:—

"To the worshipfull Gouvernour and the rest of the Much Honoured Generall Court now assembled at Boston —

The Humble petition of George Pearson Humbly Sheweth; —

It is not vnknewne to this honoured Court, what great Detrement and damadge comes to seuerall persons in this, and other Jurisdictions, by miscarriage of Letters from England and other parts: which might be prevented: weare theire some Impowred by this Honoured Court to Receaine and deliuer them: my humble request is to your worships: that you would grant me: your humble petitioner that Liberty to receaine and deliuer all Letters this honoured Courte allowinge what may be meate vpon Enery Letter: and if nead be, shall giue in security: for the ffaithfull discharge theire of: and shall as in duty I am bound pray for yo^r honours prosperitty —

We the subscribers doe humbley desire the Employment for the party aboue mentioned —

| | | |
|-------------------------|----------------------|--------------------------------|
| JOHN FFAYERWEATHER | THO: SNAWSELL | JAMES EUERETT |
| W ^m TETHERLY | J ⁿ FREKE | JONATHAN TYNG |
| SIMON LYNDE | JOHN WENSLEY | WILL ^m TAILER |
| HUMPH. HODGE | LEO: DOWDEN | WILL ^m HUDSON |
| J ⁿ HUNLOKE | JOHN RUGGLES | BERNARD TROTT |
| JAMES WHETCOMBE | THO: KELLOND | RICHURD WOOD |
| JOSHUA FFISHER | THO: LAKE | THO: BRATTLE |
| RICHARD PARKER | JAMES CHICK | E ^m HUTCHINSON |
| HABAKKUK GLOVER | JOHN JOYLIFFE | RICHARD PRICE." — <i>Mass.</i> |

Archives, vol. 88, p. 314.

A memorandum endorsed on this petition shows that it was entered with the Secretary, who received the customary fee of 2 s. 6 d., but no other action upon it by the Legislature has been found than the following:—

"The deputies doe not Judge meete that any such office as is herein exprest be sett vp, & therefore doe not graunt the p^{et}. wth reference to the consent of o^r Honor^d magists hereto,
WILLIAM TORREY *Cleric.*" — *Ibid.*

The next movement looking to the establishment of a post-office was in 1677, upon the following petition:—

"To the Hon^{ble} Gene^l Court now sitting in Boston May 23^d 1677:/"

We whose names are under written heareing many Complaints made by merchant^s and others (and severall of us being sensible) of the loss of letters: whereby merch^{ts} Especially with their friends and imployers in forraigne parts are greatly damnified: Many times the Letters imposed are throwne upon the Exch^g so that who will; may take them up: no person (with out some satisfactioⁿ) being willing to trouble their houses therewith: so that Letters of Great moment are frequently Lost/

Our humble request therefore to this hono^rd Court is: that they will please, to depute some meet person, to take in, and Convey Letters according to direction: and if this hono^rd Court please; we suppose L^t Richard Way* may be a fitt person for that service

| | | |
|------------------------|-------------------------|---|
| RICH KNIGHT | JOHN FAYERWEATHER | THO: BRATTLE |
| J ⁿ HUBEARD | JOHN FFROST | THO: DEANE |
| EDWARD DRINKER | RICH ^d CRISP | HEZEKIAH VSHER |
| HENRY DERING | SAMPSON SHEAFE | JOHN VSHER |
| JOHN CLARKE | EDWARD SHIPPEN | CHARLES LIDGET:/ |
| JOHN PYNCHON JR | | BENJ ^a DAUIS." — <i>Ibid., p. 312.</i> |

Upon this petition the following vote is endorsed:—

"The Deputies haue granted the petitioners thare desier herein & in Richard ways come doe make choice of M^r John Hayward the scribⁿr to be the man the Honored magistrats Consenting herevnto† —

28th may 1677./

Consented to by the magist^s —

WILLIAM TORREY *Cleric*

EDW^d RAWSON *Secret.*" — *Ibid.*

* According to Savage, Way, who was admitted as an inhabitant of Boston "27th 2 mo. 1657" (Boston Town Records), was received into the second church there in 1661. He was a freeholder, who came from Salem, and had been originally of Dorchester. He seems to have been a cooper by trade, and for several years he was licensed to sell liquors out of doors. He held many town offices, being successively surveyor of highways, scavenger, clerk of the market, etc. He was of the artillery company in 1671, and served under Roger Clap at the Castle, and in 1686 was lieutenant in Captain Turrill's company. In 1674 he was farmer-general of the impost, and to retrieve his losses in this undertaking, if Savage is rightly understood, his friends sought to have him appointed postmaster. His will, which was admitted to probate October 28, 1697, is dated January 2, 1696-7, and his inventory was filed on the fifth of October.

† The following memorandum is in the margin:— "& y^e Honor^d Court sett y^e prises on letters, & state that affaire./"

The Secretary thereupon made up the vote for his record as follows:—

“In Ans^r to the [*] Request of severall merchants of Boston declaring that they haue heard many comp^{ts} made by merchants and other^s that haue bin sensible of the losse of letter^s whereby merchs wth their freinds, and Imploye^rs in forreigne partes are greatly damnified many times letter^s are throane vpon the exchange that who will may take them vp &c therefore humbly desire this court to depute some meet person to take in & convey letter^s according to direction.—This court Judgeth it meet to grant the peticone^rs request herein and haue made choyce of m^r John Hayward the scribner to be the person for y^t seruice—origin^l E R S.”†—*Ibid.*

Three years later, Hayward was continued in office, by the following order, by which, also, all masters of vessels were forbidden to intrust the delivery of letters brought by them, to any other hand:—

“June 11, 1680. In ans^r to the peticoⁿ of John Hayward, it is ordered, that he be continued for postmaster, to receive in letters & take care for the sending of them to the o^{wn}er^s according to superscription, till this Court take other order; and that all masters of ships or other vessels doe, vpon their arrivall, send their letters that come in the bagg to the sajd post office, except as they shall particularly take care to deliuer wth their oune hands; that the sajd Hayward, or post master, be allowed for euery single letter one penny in money, & for euery packet of two or more two pence in money.”—*Mass. Colony Records, vol. V., p. 273.*

As has been seen, the above provisions related solely to the establishment of a post-office in Boston, for the reception and delivery of foreign letters. All domestic letters were conveyed by the hands of friends or occasional travellers, except such written communications as were made between public officers or agents and the government at Boston, which were carried by messengers specially appointed for the particular service required. The following order appears to have been the first attempt to regulate the compensation and to define the privileges of such messengers:—

“Jan. 6, 1673-4. Whereas the publick occasions of the country doe frequently require that messengers be sent post, and, as yet, no stated allowance settled in such cases, it is ordered by this Court & the authority thereof, that from henceforth euery person so sent vpon the publicke service of the country shall be allowed by the Treasurer after the rate of three pence a mile to the place to which he is sent, in money, as full satisfaction for the expence of horse & man; and no inholder shall take of any such messenger or others travayling vpon publicke service more then two shillings & bushell for oates, and fower pence for hay, day & night.”—*Ibid., vol. IV., part II., p. 574.*

After the overthrow of Andros the General Court made the following appointment of a successor to Hayward, who died December 2, 1687:‡—

“June 11, 1689. M^r Rich^d Wilkins is nominated for post master to Receive all Letters, and Deliver the Same out, to Receive one penny for each Single Letter.”—*Council Records, vol. VI., p. 37.*

The next year, in anticipation of the campaign against New France, the following vote was passed by the provisional government of Massachusetts, for establishing a regular mail service for official correspondence:—

“May 31, 1690. John Knight of Charlestown is Appointed a Post for the Country’s Service as Occasion may be, and all Inn keepers and fferry^men are Ordered to further Said Knight in his Journyng, with necessary Provision for Himself, and Horse and, with Speedy Transportation, the Accompt, whereof under the Hand of S^d Knight is to be Accepted, and paid by the Treasurer; And Said Knight is empowered to press Horse, or Horses with furniture, so often as the necessity of the publick Affairs shall require it, with persens convenient to Manage them.”—*Ibid., p. 135.*

This was followed some six weeks later by the vote, hereunder given, for inviting the coöperation of Rhode Island in the establishment of a regular mail between that colony and Boston:—

“July 14, 1690. Voted, that Road island Govern^t be imediatly sent to, and treated with about their Joining with us in Carrying on the Warr against the Comon Enemy And they be informed of our proceedings, and desired to raise what fforges they can, and get in readiness what Vessels they are able to Joine with our Ships, when they shall Appear on their Coasts and that a Post be settled for Speedy Intelligence between this place, & Road island, for, a full discovery of the ffrench, or Privateers on those Coasts.”—*Ibid., p. 152.*

The establishment of the provincial government led to a new era in the postal service. Some months before the terms of the province charter had been settled by the law officers of the crown, King William and Queen Mary by virtue of their prerogative had issued their letters patent§ to Thomas Neale, Esquire, granting to him, his executors, administrators and assigns, for the term of twenty-one years, “full power and authority to erect, settle and establish within the chief ports of their said majesties’ colonies and plantations in America, an office or offices for the receiving and dispatching of letters and packets, and to receive, send and deliver the same under such rates and sums of money as the planters shall agree to give, etc.” Under Neale, Andrew Hamilton was appointed deputy post-master-general, “to govern and manage the said general post-office for and throughout all their majesties’ plantations and colonies in the mainland or continent of America, and the islands adjacent thereunto, pursuant to the directions of the said letters patents.”||

* Manuscript mutilated.

† *I. e.*, Edward Rawson, Secretary.

‡ “Friday, Dec. 2, 1687. About 10. at night M^r. Jn^o Hayward dies, having been speechless 48 hours.”—*Sewall’s Diary, vol. I., p. 196.*

§ Dated February 17, 1691-2.

|| Province Laws, vol. I., p. 115, preamble to chapter 3.

The following entry in the executive records of the council, under date of January 19, 1692-3, will show how the fact of the establishment of a general post-office in America, and the appointment of a postmaster-general there, and his deputy, was communicated to the Governor of this province:—

“A letter from her Majesty the Queen, Given at her Court at White Hall the 26th day of May 1692 directed to his Excellency St William Phips knt Captain General & Governour in Chief in and over the Province of the Massachusetts Bay &c^a received yesterday, *viâ* East Jersey, was read at the Board, importing their Majties Grant unto Thomas Neale Esqr his Executors &c^a of full power and authority to Erect settle and Establish within the Chief Ports of the several Islands, Colonies and Plantations in America an Office or Offices for the receiving and dispatching of Letters and Pacquetts. And that Andrew Hamilton of East Jersey in America Esqr, is deputed and Constituted to manage and govern the said Genl Post Office for and throughout all the Plantations and Colonies upon the Main Land or Continent of North America &c^a. Therein also signifying her Royal Will and pleasure, that the said Andrew Hamilton, his Deputies, Agents or Servants, upon all occasions be assisted and countenanced in the management of the sd General Post Office, and in the due execution of all and singular the Powers and authorities contained in their Majesties said letters Patents &c^a.” — *Executive Records of the Council*, vol. 2, p. 217.

On the twenty-third of March, following, the letters patent to Neale were exhibited to the Council, and read, together with Hamilton's credentials as deputy postmaster-general for the colonies, etc. At the same time Hamilton presented a memorial, which was referred to a committee as shown in the following record of the proceedings:—

“Their Majesties letters Pattents unto Thomas Neale Esqr dated at Westminster the 17th of February, in the fourth yeare of their Majties Reign for the erecting and setting a Post Office in the several Colonies, Islands and Plantations in America for the receiving and dispatching away all letters and Pacquetts that shall be brought to sd Office with several powers and authorities therein contained, was presented and read at the Board. As also a Deputation from Sr Robt Cotton knt and Thomas Frankland Esqr their Majties Post-Master General in the Kingdom of England &c^a unto Andrew Hamilton of East Jersey Esqr nominated by the aforesaid Thos Neale Esqr and constituted to have the Government and management of the said General Post Office. And a Memorial was presented by the said Andrew Hamilton Esqr for ascertaining the Rates upon letters for three yeares next ensuing.

John Foster and Peter Sergeant Esqrs were appointed to discourse sd Mr Hamilton upon the same, and to make their Report at the Board the next Council day.” — *Ibid.*, p. 229.

No record of the committee's reporting has been found, but the following recommendation to the Assembly under date of March 30, 1693, by the Governor and Council, indicates that the report simply adopted Hamilton's previous proposals to the Board:—

“Whereas. their most Excellent Majties by their Letters Patents under the Great Seale of England have granted unto Thomas Neale Esqr his Executors &c^a full power & authority to Erect Settle and Establish within the Chief Ports of the several Islands, Colonies and Plantations in America, an Office or Offices for the receiving and dispatching of Letters and Pacquetts, for the Encouragement and benefit of Trade and Correspondence, to be held, used, Exercised and enjoyed by the sd Thomas Neale his Executors Administrators or assigns during the Term of Twenty one years in the sd letters Patents mentioned.—And her sacred Majesty the Queen having specially Recommended unto his Excellency the Governour, the assisting and countenancing of Andrew Hamilton Esqr deputed and constituted to Governe and manage the said General Post Office (for and throughout all the Plantations & Colonies upon the Main Land or Continent of North America) his Deputies, Agents or Servants upon all occasions in the management of the sd General Post Office, and in the due execution of all and singular the powers & authorities contained in the said Letters Patents. And whereas the sd Andrew Hamilton Esqr hath attended his Excellency & Council about that affaire, presenting a memorial, therein proposing the Rates to be ascertained for the Port of Letters &c^a and to be continued by the space of three yeares next coming, & several Freedoms and immunities to be granted unto such as shall be employed under him as Post Masters at the respective Stages, which proposals for the Port of Letters are as follow: That is to say:

From Europe, the West Indies, or from any other part beyond sea two pence each single letter, which is to be accounted such, altho' it contain Bills of Lading, Gazets, Invoyces &c^a, and for each Pacquet of Letters, four pence. And if letters or Pacquets lye at the Office uncalled for by the space of Forty eight houres, the Post Master then sending them forth to the respective houses of the persons to whome they are directed, one penny more for every such letter or Pacquet. The Port of Inland Letters to be as follows. That is to say:

To or from Rhode Island to Boston after the Rate of six pence for each single letter, and so in proportion to the greatness and quantity of Letters. And for letters taken in upon the Post Road in Connecticut Colony for Boston after the Rate of Nine pence for each single letter. To or from New Yorke after the Rate of twelve pence for each single letter. To or from the Jersies or Pensylvania after the Rate of fifteen pence for each single letter. To or from Virginia or Maryland after the Rate of two shillings for each single letter, and so in proportion as aforesaid.—To or from Salem after the Rate of three pence for each single Letter. To or from Ipswich, Newberry or other places Eastward of Salem within this Province, four pence for each single Letter. To or from Piscataqua, sixpence for each single letter & so in proportion. All publick letters to be received and Dispatch't free of charge. And that the Post pass Ferrage free at all Ferry's within the Province.

In consideration whereof the sd Andrew Hamilton Esqr doth engage to erect the sd Post Office at Boston by the beginning of May next. And that the Post shall pass from Boston

to New Yorke, and from Boston to Piscataqua once every week, and will state the certain daves for his setting forth & returning.

The Lieut^t Gov^r and Council advising upon the aforesaid Proposals, and apprehending the s^d undertaking to be for their Maj^{ties} service and for the great advantage of correspondence and Commerce, do so far approve thereof, as to recommend the same to the General Assembly at their next sitting, to be Enacted, with such further Freedoms, and immunities to the Post Master as may be encouraging.

WILLIAM STOUGHTON." — *Ibid.*, p. 230.

The General Court assembled on the thirty-first of May, 1693, and on the eighth of June the bill of chapter 3 of the public acts of this year was sent up to the Council from the representatives and was read a first time. On the ninth, it had its second and third readings in the Council and was ordered "to be engrossed and pass into an act." A memorandum on the original bill, signed by William Bond, Speaker, shows that on the same day the House "voted in the affirmative."

The following clauses struck out of the original draught of the bill are inserted here not only because of their intrinsic interest, but because they serve to explain the meaning of some clauses in the act; viz., first, a section between sections one and two, as follows:—

"And be it further Enacted by the Authority afores^d that such post master for the Time being & no other person whatsoever shall prepare & provide horses & furniture to Lett to hire to all persons Rideing in Post wth Comission or w^{thout} to & from all & Every y^e adjacent Colonys & plantations on this main Land or Continent in America where any post Roads are or shall be settled & Established." — *Mass. Archives*, vol. 88, p. 316.

Second, the following words in the second section (the former after the word "aforesaid" in the fifth line, and the latter after the word "letters" in the fourteenth line):—

"& for y^e Prouiding & furnishing horses for Persons Riding in post as afores^d." — *Ibid.*, p. 317.

"& for each pacquett weighing an ounce." — *Ibid.*

Third, the following final clause in section nine:—

"And that all Inland Letters of particular concernment deliv^d into the office shall be paid for at the time of such delivery, and the Master of the office or his Servant upon receipt thereof shall endorse these words post paid." — *Ibid.*, p. 320.

The next proceeding in the Legislature which has been found concerning the post-office is the following petition, which bears a memorandum indicating that it was first read in the House, and thence sent to the Council, on the twenty-third of November, 1693:—

"To his Excellency [the*] Governor, and to the Honor^{ble} Councill, & to the Representatives Convened, in the General Assembly.

The humble Application of Duncan Campbell, Depty Post m^r on behalfe of the Undertaker, and Coft. Andrew Hamilton, Post m^r Generall &c.

Where as there is a post office erected, by Thomas Neale Esq; in these Nothern parts of America, by Vertue of a p^{at}tent, Granted, Under the Great seale of England for the benefit, & encouragement, of trade, and speedy Intellegence &c.

Where as by an Act made, by this General Assembly have established the several rates, for letters from stage, to stage, and that the post should go fferridge free; Notwithstanding the afore said Grant, we find Daily several, refractory persons, and the post many times for two or three houres is waiting for other passingers &c. Also M^r of Vessels delivers letters as they please &c. All which is a great Discouragement, to this Vnder-taking, of so great a benefit to this Country &c.

Also 'tis humbly represented, to this Honourable Assembly, that the charges of this post Office is thrice y^e Income & humbly desires that a sallery may be settled for the carring on so Advantageous a design &c.

The Governor & Assembly of New-York hath setteled fifty pounds £ annum for three Years

'Tis humbly desired y^t no Person may be p^{er}mitted to go on board of any Vessel to receive any letters before the packet boate, 'tis the Custom in other places

This is left to Your Excelency & the Honou^{ble} Assemblies Consideration &c.

Read & sent up

Read in Council. 23^d Nov^r 1693." — *Ibid.*, p. 321.

Having failed in this first attempt to secure the salary prayed for, Campbell applied again the next year. His petition was as follows:—

"To his Ex^{cy}. S^r William Phips K^{nt} Captain General and Governour in Chief in and over their Maj^{ties} Province of the Massachusetts Bay in New England. the Hon^{ble} Council, and Representatives now assembled in General Court

Duncan Campbell in behalfe of Andrew Hamilton Esq; Post Master General of North America

Humbly Represents.

That whereas their Maj^{ties} have been graciously pleased, to erect, settle and establish a Post office in these parts of America, by their Letters Patents granted unto Thomas Neale Esq^r which s^d Post office has been duely kept and maintained by constant Posts in the Trading part of this Countrey for above a Twelvemonth. and is of publick use, benefit and advantage not only to Merchants and other Traders, but to every respective Government, more especially to this Province by reason that all publick Letters and Expresses have been conveyed & dispatched free of charge, and finding so small Encouragement by Lette[rs*] that it will not countervaille one halfe of the Charge thereof

Wherefore 'tis hoped, This Hon^{ble} Court will take the premisses into your Prudent Consideration, and not to suffer so general a benefit to faile for want of due Enconragem^t But

that you will please to appoint and state some Salary to be paid out of the publick Revenue towards the Support of the sd office for some time, as the neighbouring Provinces have done. That is to say. York hath allowed Fifty pounds, and Hampshire Twenty pounds p annum for the space of three yeares.

All which is humbly offered by.

Your Ex^{ty}s and Hon^{rs} humble Servant

DUNCAN CAMPBELL." — *Ibid.*, p. 322.

The vote upon this petition constitutes the present chapter. With the original draught of this vote is filed a separate slip containing the following memorandum:—

"£.40. p annu for 2. years to Col^o Hamilton Agent to Henry Neale Esq^r." — *Ibid.*

This was probably the amount which Campbell wished the Legislature to grant.

Chap. 12. This chapter is from archives, vol. 88, p. 141.

Of Sir Matthew Dudley (of the Dudleys of Clopton, and who was baptized October 6, 1661, and died at London, April 13, 1721) little is known. His fame rests chiefly upon a paper* contributed by him to the Royal Society to which he was admitted a fellow, January 26, 1703-4.

Sir Humphrey Edwin enjoyed a wider reputation than his leading associate in the scheme opposed in the letter which constitutes this chapter. He was the only son of William Edwin, twice mayor of Hereford, where he was born in 1642. He came to London in 1670 and began business as a merchant at Great St. Helens, removing thence to the parish of St. Peter le Poor. He married Elizabeth, daughter of Samuel, and sister of Sir Jeremy, Sambrooke. By this alliance with one of the wealthiest merchants of London, and through his great success in trade, he acquired a large fortune. He was for a while master of the Barber-Surgeons' Company and a member of the Skinners' Company. In October, 1687, he took the oath of alderman, for the Tower ward, to which office he had been appointed at the command of James II., he, though an outspoken non-conformist, being supposed to be amenable to those persuasive influences which the king was exerting to bring about a rescission of the laws against papists, under pretence of universal toleration. Immediately afterward he was knighted, which honor was soon followed by his being made, first, sheriff of Glamorganshire, and then, of London and Middlesex. He was an active member of the city militia and was repeatedly chosen alderman of London and held that office until 1691. In 1697 he was elected Lord Mayor of London in which position he caused no little scandal by attending, in state, accompanied by his sword-bearer, a meeting of dissenters, which, according to Bishop Burnet, led parliament to enact the severe bill against occasional conformity. However questionable this opinion of the historian may be it is certain that the incident furnished a text for satirists, through the press and on the stage. It gave Swift a new character for "The Tale of a Tub," and De Foe a text for one of his political pamphlets.

For a time, Edwin was associated with Sir Henry Ashurst and others as commissioner of the excise. That he was not perverted by the blandishments of James appears by his conduct, as sheriff, in welcoming the Prince of Orange upon his entry into London, and his formally proclaiming the accession of the new king and queen. He died December 14, 1707.

Nothing besides what appears in the text of this chapter has been discovered concerning the plans of these gentlemen for operating in New England.

The following is the vote for the appointment of a committee to prepare this address:—

"Voted that Capn^s Sprague m^r otis maj^r Jer. Swayne Cap^t maston m^r Scriven be a Committee to Joyn wth such as the Gov^r & Councill shall appoint to consider of and draw up something to be presented to this Court in ans^r to what s^r Henry Ashurst & m^r Phipps Inform wth Respect to those that Petition their mat^{ies} for to be a Corporation about mines & in N England &c as in s^d Letters

Dated June 1. 1694

Voted & passed in the house of Representatives

NEHEMIAH JEWET Speaker." — *Mass.*

Archives, vol. 88, p. 140.

In this vote the Council concurred, and added to the committee the following members of the Board; viz., Lieutenant-Governor Stoughton, Major Wait Winthrop, Messrs. Elisha Cooke, John Foster, Peter Sergeant and Captain Nathaniel Thomas.

On the fifteenth of June, the committee reported the draught of the address as printed in this chapter. Their report, signed by a majority of the committee, concluded as follows:—

"The above written we the subscribers humbly offer to the Consideration of the Hon^{ble} Gener^l Court in Answer to the letter from S^r Hen Ashhurst &^{ca}

EL COOKE

PETER SERGEANT

NATHANIEL THOMAS

EDW: BROMFIELD

RICHARD SPRAGUE

JERE^l SWEYNE

WILLIAM SCREVEN

MANASETH MARSTON." — *Ibid.*, p. 143.

Edward Bromfield who subscribed to the foregoing report was one of the representatives from Boston. It is not clear whether his name was accidentally omitted by the clerk from the above copy of the vote of the House, or whether he was put upon the committee by a later vote. This report was read in the Council on the fifteenth, and on the twentieth was signed by the Governor and the Speaker.

In their statement of reasons for the employment, in England, of agents, on the twentieth of September, 1694, the House voted as follows:—

* An Account of Insects in the Barks of Decaying Elms and Ashes.—*Phil. Trans.*, Feb. 1705, vol. 24.

“We thinke it necessary that all meanes be used to prevent the designs of any Persons to incommode the Province by Charters or any thing interfering with our liberties and Properties.” See note to chapter 36, *post*.

Chap. 13. This chapter is from archives, vol. 100, p. 492. It is recorded in council records, vol. VI., p. 353.

William, the only son of William Blathwayt of St. Martins-in-the-Fields, a member of the Middle Temple, was born about 1649. His mother was Anne, the daughter of Justinian Povey. He began public life very young, having been a secretary to Sir William Temple at the Hague in 1668. Four years later he appears to have been engaged in public business at Rome, and still later at Stockholm and Copenhagen. In these different employments he seems to have improved his time by acquiring proficiency in foreign languages as well as by studying the political condition and learning the resources of the governments to which he was accredited.

His connection with the colony of Massachusetts Bay dates from February 15, 1681–2, when Edward Randolph produced before the General Court, together with the King's letter of October 21, 1681, a royal commission or patent to Blathwayt, dated May 19, 1680, constituting him “surveyor and auditor-general of all our revenues arising in America” — an office then first established — and also a commission from Blathwayt to Randolph appointing the latter his deputy in this office.* He is called “that honorable and worthy gentleman,” by Governor Bradstreet in his speech to the deputies, in 1685, and he was frequently employed by the colonial and provincial governments to intercede with the king or Privy Council in matters of importance in which the hope of obtaining relief by any other means was desperate. His success in holding office through opposing administrations and a change of dynasty warrants the suspicion that he was, if not wholly venal, at least willing to strain a point of duty to his sovereign, for a fee. Massachusetts, sometimes from choice and oftener from necessity, was occasionally over-frugal in rewarding those who were able to serve her diplomatically, in London. Generally, however, she wisely maintained her reputation as a generous client; and it would seem that Blathwayt was one of those employed by her who never had reason to complain of her ingratitude.† The present chapter is an instance in point; and was probably passed upon the advice of the acting agents of the province in London. The order in Council for the payment of the money granted is as follows:—

“Aug. 17, 1694. Whereas the Great and General Court or Assembly begun and held at Boston the Thirtieth day of May last, Voted and Granted, that there be paid unto the Hon^{ble} William Blathwayt Esq^r their Maj^{ties} Auditor General, the sum of one hundred pounds sterling for his service referring to the passing of the Accompts of this Province and desired his Excell^{cy} and Council to take care, that it be accordingly remitted and presented to him, Mr Treasurer to make provision for the same out of the publick Revenue.

Pursuant to the said Vote and the Act of the General Court, Entituled: an Act for granting unto their Maj^{ties} a Tax of Twelve pence a Poll and one penny on the pound for Estates, amongst other things applied to the payment of Grants made and to be made by the s^d Court.

Ordered: That Mr Treasurer to take effectual care, that the above sum of one hundred pounds Sterling be in readiness, by procuring the value in a good Bill of Exchange, or in money at the best rate he can, and to remit the same by some good conveyance unto S^r Henry Ashhurst Baronet by him to be presented unto the s^d William Blathwayt Esq^{re}

WILLIAM PHIPS.”—*Executive Records of the Council*, vol. 2, p. 276.

Chap. 14. This chapter is from archives, vol. 106, p. 382. It is recorded in council records, vol. VI., p. 354.

* See these commissions in Mass. Colony Records, vol. V., pp. 521 and 526.

† A recent writer furnishes the following further interesting biographical details concerning Blathwayt:—

“In August 1683 he purchased from Matthew Locke the post of secretary-at-war, a position which before the revolution of 1688 seems to have been synonymous with a clerkship of a committee of council, and, according to Luttrell, he became clerk of the council in ordinary on 22 Oct. 1686, and clerk of the privy council February 1689. He was in attendance on the privy council when the seven bishops were called in, and he was one of the chief witnesses at their trial. As secretary-at-war he attended James II to Salisbury, November 1688, with his forces. From a memorandum drawn up by Lord Palmerston on the duties of that office, it appears that Blathwayt, whilst holding it, regulated almost the whole of the business connected with the army (BULWER and ASHLEY's *Lord Palmerston*, i. 387–90). His skill in languages made him a great favourite with William III. He attended that monarch during his campaign in Flanders, and whilst abroad discharged the duties of secretary-at-state, his place at home being filled by a substitute. From May 1696 to 1706 he was a commissioner of trade, and he remained secretary-at-war until 1704. He represented the constituency of Newtown in the Isle of Wight from 1685 to 1687, and his re-election received royal sanction in September of the following year, but he was not a member of the Convention parliament of 1689. On 20 Nov. 1693 he was returned by the city of Bath, and sat for that constituency uninterruptedly until 1710. He had married on 23 Dec. 1686 Mary, the only surviving daughter and heir of John Wynter of Dyrham, Gloucestershire, an estate which still belongs to his descendants. The present house of Dyrham Park, planned by Talmen, was completed at the cost of Blathwayt in 1693, and the gardens were at the same time laid out by Le Notre in the approved Dutch style. Views of it are in Campbell's ‘*Vitruvius Britannicus*,’ and in Sir R. Atkyns's ‘*Gloucestershire*.’ His house at Bath was fitted up for Queen Anne when she went to drink the waters in July 1702. It was rumoured in December 1700 that, ‘in consideration of his services to his majesty,’ Blathwayt would have been created earl of Bristol, but he was never raised to the peerage. He was a strong whig in politics, and was pitted as the whig champion against Harley on the points of precedent which arose in parliamentary debate. He retired from active life in 1710, and died at Dyrham in August 1717, being buried in its parish church on 30 Aug. Numerous letters to and from him are preserved at Dyrham Park, among the manuscripts in the British Museum, at the Bodleian Library, and in many of the collections described among the reports of the Historical MSS. Commission.”—*Leslie Stephen's Dictionary of National Biography*, sub. nom., and authorities cited.

Sir Henry Ashurst was the son of Henry Ashurst, Esquire (and Judith Reresby, his wife), who was a leading nonconformist, a merchant and alderman of London, and founder of the family of Ashurst, or Ashhurst, of Waterstock in Oxfordshire. Henry, senior, used his large fortune liberally for charities and to help dissenting ministers and the cause of Puritanism; and he was highly esteemed by the Puritan clergy in both old and new England. He was deeply interested in the spiritual welfare and the temporal prosperity of New England, and was especially zealous for the conversion of the aborigines. As early as 1660, he accepted an alternative appointment as agent, in London, for the Massachusetts Colony, and after his death, in November, 1680, two of his sons were successively chosen as agents; viz., Sir Henry, who was created a baronet July 21, 1688, and who sat in parliament for the boroughs of Truro in Cornwall, and Wilton in Wiltshire, and died at Waterstock, April 13, 1710 or 1711;* and Sir William, who was of the Merchant Tailors' Company, and was elected Lord Mayor of London in 1693. Sir William declined the agency, and, on his recommendation, Jeremiah Dummer was appointed in 1710.

Constantine Phipps was an eminent lawyer of London, who seems to have practised largely before the Privy Council, or the committees and Lords Commissioners of Trade and Plantations. He rose to the dignity of Lord Chancellor of Ireland, in 1710, in which year he was also knighted. In the reign of Queen Anne, he was, for a short time, one of the Lords Justices, but he resigned all public offices in 1714 and from that time lived in the seclusion of the Middle Temple until his death which occurred October 30, 1728, in his sixty-eighth year.

There seems to have been some misunderstanding of the relation that existed between the province and Messrs. Ashurst and Phipps after the establishment of the new government under the charter. A careful investigation of all known sources of information reveals nothing to support the natural inference from Hutchinson's repeated mention of Phipps's agency — that the latter was duly appointed and commissioned — except the letter of Elisha Hutchinson, without direction, dated London, February 1, 1693-4.†

That Phipps had been retained, professionally, by the former agents, including Ashurst, and that the latter continued to ask his counsel and coöperation in the business of the province, there can be no doubt; and it is equally certain that letters were sent to Ashurst and Phipps, jointly, sometimes by order of the Council, and again by the representatives, soliciting their aid in behalf of the province; but there appears to be no evidence that Phipps was ever commissioned by the colonial or provincial government. Ashurst, as has been shown, was regularly commissioned by the provisional administration,‡ but his commission undoubtedly expired with the institution of the charter government. Still, considering the punctiliousness of the officers of the crown in exacting the most explicit and formal credentials from all agents attempting to do business for their absent principals with any department of the state, it is difficult to imagine by what process of reasoning the home government was induced to relax its rules in favor of these gentlemen, who seem to have been as well received and as successful as the best accredited representatives of the province could have been. The only plausible explanation is, that these gentlemen, having once had their credentials approved, and being kept occasionally employed for the province, no change in their authority was suspected, and so they continued to be recognized as legitimate agents. This supposition is supported by the phraseology of this chapter and of the previous votes of the Council and the House,§ in which all reference to Ashurst and Phipps as agents is carefully avoided, although the Secretary used the word "agents" in endorsing the papers, and, fifteen years later, Dudley expressly gives them that designation.||

The following is the order in Council for the payment of the sum granted: —

"Aug. 17, 1694. Whereas the Great and General Court or Assembly begun and held at Boston the Thirtieth day of May last Voted & Granted, that there be paid unto Sr Henry Ashhurst Baronet and Mr Constantine Phips the sum of one hundred pounds Sterling each, in acknowledgement of their kindness & service in appearing and interesting themselves in the affaires of this Government in England, and that two hundred pounds sterling more be put into the hands of the sd Gentlemen to enable them to pursue the same as there shall be occasion, and desired his Excellency and Council to take care, that the said monies be remitted unto them out of the publick Revenue of this Province, with so much advance as is necessary to make the difference of money betwixt this place and England.

Pursuant to which afore recited Vote and the Act Entituled an Act for granting unto their Majesties a Tax of twelve pence a Poll and one penny on the pound for Estates amongst other things applied to the payment of Grants made or to be made by the said Court.

* "June 19, 1711. Reports that Sir Henry Ashurst is dead." — *Sewall's Diary*.

† Proc. Mass. Hist. Soc., vol. II., pp. 296, 297, note. It mentions as agents Sir Henry Ashurst and "the person joined with him in commission."

‡ Note to chapter 6, *ante*.

§ "Feb. 20, 1692-3. Another letter unto Sr Henry Ashurst Baronet and Mr Constantine Phips *conjunctim*, was read & ordered to be transcribed and signed by the Secretary.

|| *WILLIAM PHIPS.*" — *Executive Records of the Council*, vol. 2, p. 225.

"Voted That the Honourable Sr Henry Ashurst & Mr Con^t Phipps be Requested to Enq^r whether or Laws be according to Charter p^resented to the privy Council for Confirmation & y^t they Endeav^r to Improve their Intrest to prevent y^e allowing of the Corperation moved for to be settled amo[n]g us as also the preventing of y^e removing any of those Comissioned viz^t Or Hon^rd Gov^r L^d Gov^r & Secr^t That are so greatly desired to be Continued in their severall places amongst us.

June 24th 1694 past in the affirmative by the house of Representatives & sent up to his Ex^{ty} & Council for Consent
NEHEMIAH: JEWETT Speaker." — *Mass. Archives*, vol. 20, p. 28.

See, also, the last paragraph of the votes of the House, in the note to chapter 36, *post*, and the vote in the foot-note thereto.

|| Feb. 7, 1709-10. *Sewall's Diary*, vol. II., pp. 274, 275.

Ordered: That M^r Treasurer do in the best way he can, make speedy provision to procure the above sum of four hundred pounds Sterling and accordingly to remit the same unto the s^d S^r Henry Ashurst and M^r Constantine Phips, or to answer such Bills as shall be drawn upon him by them or either of them to the like value or for part thereof, with the advance for difference of money according to what shall be specified in the Bills.

WILLIAM PHIPS." — *Exec-*

utive Records of the Council, vol. 2, p. 277.

In the treasurer's accounts for this year is the following entry:—

"Paid William Stoughton Esq^r a bill of Ex^a drawn by S^r Henry Ashurst of London for £150 Ster^l in p^t of an Ord^r for £400. Ster^l of y^e Governor & Council p^rsuant to an Act of y^e General Assembly 195 --."

— *Mass. Archives*, vol. 122, p. 41.

Chap. 15. This chapter is from council records, vol. VI., p. 354. It has not been found in the archives.

Chap. 16. This chapter is from council records, vol. VI., p. 354. It is preserved in archives, vol. 100, p. 491.

For some account of Major Willard see note to private act, vol. VI., number 16.

The petition upon which this vote was passed is as follows:—

"To his Excellency Sir William Phips K^t Captain Generall & Govern^r In Cheif of their Majest^s Province of y^e Massachusetts Bay the Honourable Liev^t Gov^r & y^e rest of the Honourable Gentlemen now assembled In y^e General Court

The Humble petition of Simon Willard humbly sheweth

That whereas y^{or} petition^r was chosen constable in Salem for part of y^e year 1690 and he was Greatly disadvantaged by reason that that part of y^e Towne which y^{or} petition^r was to collect Rates of were greatly Diminished & impoverished being for most part sea men And although before this s^d year s^d part of Towne were as good payers to the publique as any part yet in this year of 1690 & since they have bin little significant that way: by meanse of which disadvantage y^{or} petition^r will fall above thirty pounds money behinde with his country Rates: And where as there is or will be something Due for y^e hard service wherein y^{or} petition^r commanded a company 26 weeks in S^r Ed: Andros his time which service y^{or} petition^r willingly undertook though he was not unsensible of y^e ruin that was like to come and did come upon him as to a way of livelyhood: also y^e sicknes that befell y^{or} petition^r by und^rgoing such hardships hath bin very costly & he is not yet freed from y^e reliques of s^d sicknes nor like to be while life lasts

He therefore Humbly craveth that you will please to take the premises into your consideration And that your petitioner may have soe much payed for that service now as may answer s^d Debt to y^e Treasurer or that it may be off sett or that s^d Debt to y^e Treasurer may be suspended; there being as may be hoped enough to respond:

that so the Treasurer may not proceed against y^{or} petitioner according to y^e Rigor of y^e law for your petitioner knows no other way but this or to goe to y^e Goal which will utterly break his family to peices and doe y^e country no good

In Granting &c you will oblige your petition^r willingly to serve your Honours in what he is able and as in duty he is bound he shall ever pray &c

voted that Cap^t willard be forborne by the Treasurer the sum aboves^d from this time untill may 1695

June 15: 1694 past in the affirmative by the house of Representatives & sent up to his Ex^{cy} & Council for Consent

NEHEMIAH JEWET Speaker

Voted and pas^t in Council.

21^o June, 1694.

Is^t ADDINGTON Sec^ry." — *Mass.*

Archives, vol. 100, p. 491.

See, further, resolves, 1696-7, chapter 38, and note.

Chap. 17. This chapter is from archives, vol. 30, p. 350. It is recorded in council records, vol. VI., p. 355.

The story of Fletcher's treaty with the Maquas, in 1693, to which, through him, Massachusetts had been made a party has been told in the notes to resolves, 1693, chapter 7. In less than a year from the conclusion of that treaty rumors reached Boston that the French of Canada were negotiating a treaty of peace or an alliance with the Iroquois or Five Nations, chief among which were these former allies of the English. It was, therefore, of the first importance that this move of the French should be circumvented. Accordingly, the Assembly passed the vote which constitutes this chapter on the twenty-second of June and on the twenty-ninth, Governor Phips wrote to Governor Fletcher as follows:—

"S^r:

The various Reports concerning the motions of the five nations of Western Indians, haveing (as is said) been lately treated by Com^{is}sioners from Count Frontenac, and that they are inclined to hearken to their solicitations for puting an End to the War betwix^t the French and them, at lest to agree to a Neutrality, if not to go over to their side.

And the consideration of the manifold prejudices and detriment to the whole of their Maj^{ties} Interests in these Territorys likely to ensue thereupon, has made me judge it necessary for their Maj^{ties} service, That your Ex^{cy} (who has a more immediate Influence upon those Indians) please to Let the Neighbouring Governments have a true Information of that affayre, and whither any Expedient may be proposed (if not too late) for obviating of so great a mischief, upon notice whereof I shall forthwith apply myselfe to the seting forward of what may be proper and Incumbent on the part of this Government in order thereto.

I am sensible that the Interest the French have in the Eastern Indians and their unwearied solicitations are ready to stagger and prevail upon them to cast off their submission; which the compliance of the western Indians must necessarily promote and Embroyle this Province in Fresh troubles; I shall be better Enabled to know what measures to take therein when I have yor Exceys answer; which I await: Wishing the happy Repose and quiet of their Majties seſſal Provinces and Colonies. I am.

Boston. June. 29^o 1694.

Yor Exceys. humble servant.

W. P[hips].” — *Mass.*

Archives, vol. 2, p. 394.

This was the beginning of a correspondence between Phips and Fletcher in which the former, from time to time, sought information of the latter as to the best course to pursue to strengthen the bonds of amity between the English colonies and their savage neighbors of the west. It was arranged that delegates from Massachusetts, Connecticut and New York should meet Fletcher and his Council at Albany in August, and after settling minor details as to the manner of meeting the Indians and the nature and value of the presents to be given them and whether the same should be offered in the name of the king and queen, or by the respective colonies, should hold a conference with the chiefs of the Five Nations there assembled, and conclude a treaty with them more general in its scope, and if possible more permanent in effect, than previous negotiations had proved.

The loss by Massachusetts of authority over the militia of Connecticut, which she had formerly exercised, has been shown in the note to chapter I, *ante*. But still, her influence was such that her appeals for military coöperation were respectfully considered, and at all times more readily acquiesced in, by her southern neighbor than were the imperative but legitimate commands from New York.

The following is the letter in which Phips first proposed to Connecticut the subject of her taking part in the treaty at Albany:—

“Honble Gentⁿ

The late Endeavours of the French to corrupt the Maquas and other Nations of Indians westward has put y^e Governmt here upon Resolutions to send some Gentⁿ from hence to waite upon his Excy the Gov^r of New-yorke, at Albany at his being there in August next; with a Present to the Indians for y^e preventing of so great a mischiefe (if it may be) as their going over to the French: And they have thought it necessary to advise yor Selves of their Resolutions and to desire you to joyne in an affayre so highly concerning the whole of their Majties Interests in these Territorys; that so we may labour to confirme the ancient ffriendship alwaies held with them and to keep them firm to the Crown of England. I pray yor speedy answer hereto and that yor preparations may be Expedited. I have this day an accompt of the Enemies surprizing & laying waste a Plantacon ca’ld Oyster River in the Province of New-Hampshire and fear their proceeding to make further incursions. I am.

Boston. 19^o July. 1694.

Yor humble servant.

W. PHIPS

Gov^r & Council of Connecticutt.” — *Ibid.*, p. 219.

Before the above letter had reached its destination the Governor and Council of Connecticut had caused the following letter to Phips to be prepared, but before it was posted, Phips’s letter arrived, and was answered in the postscript printed below:—

“Hartford July 20th 1694.

Excelent Sr

We receined letters from Govern^r Fletcher, his excelencie therein acquainting us of a Treety he had appoynted with the five nations about the midle of the next moneth, & he calls upon us for one Hundred men with armes & Ammunition & prouission to attend at Albany dureing his conference & also informes that he hath demanded the like Number from New england, by whome we suppose he intends your selues; we look upon it as a waighty affaire he is upon & that your selues & us will be sharers in the Good or euill effects that may followe thereupon, & doe request you would be pleased to let us understand, by the first opportunity what your purposes are, for we would not be wanting in doing our duty to promoate the continuance of amity between the five Nations & the english, & shall contribute what we are able to promoat the same In conjunction with your selues please therefore to informe us how farr you will Joyne therein as soon as may be, that we may be prepared for to assist therein, & we desire your opinion whether his excelency of yorke Question to the five nations be not to much restrained.

The Question he propownds to them is, whoe they are that renownce the fauoure of their sacred Maties (of great Brittain) by violateing the conenant chaine, & whoe will stick to the ancient freindship that I may the better know how to disspeuse the powers put into my hands by way of kindnesse & protection? whither so great an appearance in armes at such a Treaty may not to much prouoake, or affright the Indians, & thereby the Good Issue hoped, & endeaūoured for, be frustrated, Gentⁿ we pray you be pleased to giue us your resolves in the premises forthwith because the time of meeting is so neer, which with best respects, is all at present from your Humble Seruant the Gov^r: & councill of connecticut

By their order signed

JOHN ALLYN Secretry

Sr since y^e writing of the aboue we reced your excelencies letter of the 19th Instant & being somewhat informed of your purposes we desire to know what Gentⁿ you send & how many attendants on them & what present you Judge requisit. you May see his excelency of yorke sends to us for one hundred men, but we do not see the necessity of soe many a sufficient Guard for the Gentⁿ Employed in the service we suppose will be enough we pray your resolves upon the p^mises. & that our messenger may haue it so as that he may return this week. which is all at p^rsent from your humble seruants the Assis^{ts}

present

JOHN ALLYN Secry

we are sorry to hear the enemy hath begun again to doe spoyle upon our Neighbours at the eastward the Good Lord defend & saue his wilderness people

please to let us know when & where you purpose we may meet wth yours you send whether at westfeild or els hear at Hartford.”* — *Ibid.*, p. 220.

While the above letter of Secretary Allyn was on its way to Boston Lieutenant-Governor Stoughton received a letter from Governor Fletcher which has not been found in the archives, but the substance of which is repeated in the following letter which Stoughton immediately despatched to the Governor and Council of Connecticut:—

“Boston July 23^d 1694—

Gentlemen.

His Ex^{cy} by his Letter of the 19th currant acquainted you of an appointment of Commissioners from hence to wait upon Governour Fletcher at the time of his treaty with the Indians at Albany the next month with a present from this Government, and proposed yor^e Joyning therein, Since which Gov^r Fletcher in his Letters by the last Post moves to have an hundred men from hence and an hundred from your Colony to appear at Albany during the Treaty, which I approve of as necessary to countenance that affaire, and to oblige the Indians to a more ready compliance with such propositions as may be made, but the nearness of the time the distance of place, and the present Circumstances of this Province by the fresh breaking out of the Indians &c are such, as cannot admit of any souldiers to be sent from hence, the Province of New Hampshire lying at this time bleeding, the Enemy having burnt 11 houses there, killed and captivated above 90 persons small & great and continue still with them, so that we are constrained to yield them assistance and to enforce our own Frontiers, and you are sensible that it is not safe to draw any off from our Western Towns who are a Frontier on that side. I hope yourselves will not faile either of your Commissioners or Souldiers please to informe me of your preparations, and y^e time you intend, yours to set forward, that our Commission^{rs} may advance accordingly to meet with & accompany them our Governour being gone Eastward. It was thought advisable by the Gent^l of the Council to refresh the Contents of his Letter upon you as also what was written from Gov^r Fletcher, which is all the present needful from

Your humble Servant

W[ILLIAM] S[TOUGHTON].” — *Ibid.*, p. 221.

The letter signed by Secretary Allyn reached Boston during the Governor's absence on the frontiers, but it was immediately answered by the Lieutenant-Governor; thus,—

“Boston. July. 25^o 1694.

Gent^l

His Ex^{cy}, being gone Eastward yours of the 20th curr^t came to my hand this day, Some of the heads whereof are answered in mine to your selves, with advice of the Council, dispatched by the Post two days since, the Circumstances of this Province will not admit of any Souldiers from hence appearing at Albany; being afresh alarm'd from the Indians, who continue to lye upon our Frontiers, haveing done great spoyles in y^e Province of New-Hampshire, to whome we are obliged to afford assistance and to Enforce our own Frontiers; But the proposal of Gov^r Fletcher y^t there be some appearance at Albany at y^e time of the Treaty, seems to be very necessary and to have a decorum in it, wherefore it's desired by my selfe and y^e Gent^l of y^e Council here that you would not faile of Sending one hundred Souldiers from yor^e Colony, lying so much neerer to y^e place, and being free from those Fatigues of the war which this Province is Embroyled in both by Sea and Land; The Commission^{rs} named here to go upon this Service are Col^l Pyncheon, Cap^{ne} Sewall and Major Townsend, whome we designe to be at Westfield.—by the Eighth day of august next there to joyne yor^s and to have y^e benefit of a Guard by yor^e Forces, the present intended from hence will be about y^e value of two hundred pounds; I do not apprehend the Qu^o offered by Col^l Fletcher is so restrained, but that there is room enough left for the debating anything proper in this affaire. I hope all things will be in readiness on yor^e part; I shall Endeavor to bring forward what is necessary on the part of this Governmt. in order thereto, wishing good success to y^e transaction being of so momentous import to all their Maj^{ties} Interests.

Gent. Yor^e humble Serv^t.

W: STOUGHTON.

To y^e Gov^r & Council of Connecticut.” — *Ibid.*, p. 222.

Governor Fletcher, in letters which are not preserved, having renewed his application for the aid of Massachusetts in carrying out his plans for the treaty, the Lieutenant-Governor, in the absence of his chief, wrote as follows:—

“Boston. July—30th 1694.

Gent^l

Since my last, I have received Letters from y^e Governor of New-yorke, wherein he represents his concern about y^e managing of y^e Treaty with the Indians, looking at it as y^e last Effort, and therefore presses that what he has proposed both to this Governmt and yor^e Selves may be comported with; you cannot be unsensible that it is at this present impracticable for us to have any appearance of Souldiers, there For besides the great distance of y^e place, the new Levys lately here made for y^e assistance of or Neighbours y^e Enforcem^t of our Frontiers, our people are frequently alarm'd from one quarter or another and forced to pass upon duty. On Friday last y^e 27th instant y^e Indians fell upon Groton, surprized the Inhabitants a little before day, have killed and carried captive betwixt thirty & forty persons, we have neer two hundred men in pursuit after them.

I do therefore by advice of y^e Council, refresh our former motion to urge y^t you would at this time overcome all appearing difficulties; and to order an hundred men to Albany, and by no means let there be a failure in that matter, it is y^e more necessary by reason of our incapacity to spare any at this time, we are Encouraged that the Treaty will not be

* This letter is endorsed, —

“L^{tr} from y^e Gov^r & Council of Connecticut. Rs^d 25^o July. 1694./.” and addressed as follows:—

“These For his excelencie S^r William Phips Knight Governo^r & Cap^l Gen^l of their Maj^{ties} province or the Massachusetts And in his absence to the Hon^{ble} W^m Stoughton Esq^r L^{nt} Gov^r of sd province & councill in Boston this deliner For their Maj^{ties} service./.”

ineffectual if handsomely brought forward. our Commission^{rs} if nothing prevent will set out on Munday ye 6th of augst next. hope they will meet yo^{rs} with yo^r souldiers at west-field or Hartford wch you shall think most convenient, giving notice to Colo Pynchon that so they may wth them advance forward. to whome I wish good Success. I am. Gent. Yor. affectionate Friend & Servant.

W[ILLIAM] S[TOUGHTON]

Gov^r & Council of Connecticut." — *Ibid.*, p. 223.

After Phips's return from Pemaquid the Lieutenant-Governor informed him of the proceedings which had occurred during his absence relating to the treaty of Albany. This was done at a meeting of the Council the record of which is as follows:—

"Aug. 2, 1694. The Lieut^t Gov^r gave his Excellency an accompt of what had hapned, and been transacted by himsele (with the advice of the Council) in his absence, pursuant to his instruct^{ns} left at his departure; and that Col: John Pyncheon, Samuel Sewall Esq^{rs} and Major Penn Townsend* were nominated & desired by himsele and the Gentlemen of the Council, to attend the Treaty at Albany, the middle of this Month, betwixt the Governour of New Yorke &c^a and the Five Nations of Indians, and to appear there as Commissioners on behalfe of this Province, and to represent the same in that Negotiation, according to a vote of the General Assembly referring the direction of that matter unto this Board. And the sd Gentlⁿ or any two of them were a new nominated & appointed to that service, and the heads of a Commission & Instructions for them were discoursed and drawn up." — *Executive Records of the Council*, vol. 2, p. 271.

On the fourth, a commission and instructions were prepared, and an order on the province treasurer was passed in Council, which, without the preamble, is as follows:—

"Aug. 4, 1694. Ordered. That M^r Treasurer do pay out of the publick Revenue of this Province unto Samuel Sewall Esq^{re} & Major Penn Townsend Commissioners employed on the abovesd negotiation, the above sum of two hundred pounds for a Present to be made to the Indians, and Fifty pounds more towards defreying of the incident charges attending, with such further sum as shall be necessarily expended on the same, as by accompt thereof to be presented by the said Gentlemen at their Return, being allowed by this Board shall appear.

WILLIAM PHIPS." — *Ibid.*, p. 272.

The following entry fixes the date of the return of the commissioners:†—

"Aug. 31, 1694. Samuel Sewall Esq^r and Major Penn Townsend two of the Commissioners for this Province, lately sent to Albany, returned from thence this day and waited upon his Excelley at the Board and presented the result of their Negotiation there with the Five Nations of Western Indians." — *Ibid.*, p. 280.

It will have been noticed that, in Stoughton's letter of the twenty-fifth of July to the Governor and Council of Connecticut, and in his report to the Governor the second of August, he states that three commissioners had been named to represent Massachusetts, whereas only two are provided for by this chapter. Colonel Pynchon certainly accompanied Sewall and Townsend from Springfield to Albany, and he took part in the conference, or congress, called by Fletcher,‡ but he was probably detailed for that service in his military capacity by command of the Executive. The two commissioners from Boston were attended as far as Springfield by a mounted body-guard under command of Lieutenant John Hammond,§ and thence, to Albany, by a company of about sixty men from Connecticut, under command of Captain Wadsworth of Hartford.||

An interesting account of the making of this treaty is given in a recent work prepared with great care and research.¶ This author mentions Governor Fletcher's assembling his Council at Albany on the thirteenth of August, and their decision, in response to Governor Phips's query, that the presents to the Indians should be made solely in the name of the king, and the ratification of this decision at a subsequent meeting attended by the delegates from Massachusetts and Connecticut, and states that Fletcher's speech, in which he set forth the need of assistance to New York in defending the frontiers, was received by the delegates from Massachusetts and Connecticut in silence. After adding that, at a meeting of the delegates on the following day, when Governor Hamilton of New Jersey was present, Colonel Pynchon and Governor Hamilton expressed their concurrence in Governor Fletcher's opinion that at least five hundred men should be employed throughout the war to defend the frontiers of New York, he proceeds as follows:—

"... But no assistance was offered, and no action taken. New York received poor encouragement. Massachusetts, however, proposed that the Five Nations interpose in her behalf against the eastern Indians. This proposition was objected to as inexpedient at the present time. In the treaty about to be made all the colonies were to be included, after which Fletcher promised to inform the Five Nations that the war by the eastern Indians on Massachusetts was an infraction of the covenant-chain, and call upon them to join him in an energetic protest against it.

On the morning of August 15, 1694, there were assembled, in the City Hall of Albany, Governor Fletcher with five members of the Council, Governor Hamilton of New Jersey, three delegates from Massachusetts, two from Connecticut, and all the magistrates, with many of the leading citizens, of Albany. The regular troops and militia passed in front of the hall. Five Mohawk sachems, three Oneidas, seven Onondagas, four Cayugas, with a retinue of Indians of inferior rank, marched from their lodgings, escorted by officers in

* *Sic.*

† This agrees with the following entry in Sewall's Diary: "Aug. 6, 1694. Set out with Major Townsend for Albany. Return Aug. 31." — *Vol. I., p. 391.* See, also, the journal of Rev. Benjamin Wadsworth, chaplain of the commissioners. — *Mass. Hist. Soc. Coll.*, fourth series, vol. I., p. 102.

‡ Colonial New York, by George W. Schuyler, vol. I., pp. 422-424; and note to chapter 26, *post*.

§ Mass. Archives, vol. 122, p. 39.

|| Letter of Secretary Allyn, March 6, 1694-5, in note to chapter 1, *ante*; also chapter 26, *post*, and note; also Wadsworth's Journal, *ut supra*.

¶ Colonial New York, *ut supra*.

showy uniforms, through the street lined with military into the hall, with Rode, the chief of the Mohawks, at their head, 'singing songs of joy and peace.' They were received by Governor Fletcher and the foreign commissioners with all due formality.

And yet, after all this parade and show, almost nothing was accomplished at this council. The Indians were determined to make peace with the French; they were unwilling to fight longer alone, and without support from their English allies, — and just this support not any of the colonial delegates could assure them. Fletcher, in a private conversation, took advantage of the only loophole left, when the sachems told him that peace wanted only his approbation. He allowed them to make peace, provided that they also kept faithful to their covenants with the English. He could, however, receive no proposals from the French, as peace could be made only by the two kings. But he asked whether they would permit the French to build again the fort at Cadaraqui. When the Indians answered that they should never allow this, Fletcher said: 'If you permit the French to build anywhere on that lake, there will be an end of your liberty; your posterity will become slaves to the French. If ever you should permit them, I will look on it as an absolute breach of the chain with us. If the French attempt it, give me notice, and I will march the whole force of my government to your assistance.' This was not without its effect.

The covenant-chain was renewed with the English, the council was dissolved, and Fletcher wrote to the Lords of Trade his impressions"

Chap. 18. This chapter is from archives, vol. 100, p. 473. It is recorded in council records, vol. VI., p. 355.

The following is the order in Council for the payment of the sum granted in this chapter:—

"July 19, 1694. Whereas the Great and General Court or Assembly at their Session begun and held at Boston the Thirtieth day of May last, Voted: That the Treasurer Mr James Tailor be allowed and paid the sum of two hundred and fifty pounds for his labour and paines in his last years service.

Pursuant therefore unto the Act of the said Great and General Court or Assembly Entituled: An Act for the reviving and continuing of the duties upon Goods, Impost, Excise and Tunnage of Shipping and the Acts for granting of the same, amongst other things applied to the defraying of the necessary and contingent charges in and about the support of the Government of this their Majties Province

Mr Treasurer is hereby Ordered to pay himselfe the said sum of two hundred and fifty pounds.

WILLIAM PHIPS." — *Executive Records of the Council*, vol. 2, p. 269.

Chap. 19. This chapter is from archives, vol. 100, p. 495. It is recorded in council records, vol. VI., p. 355. See notes to resolves, 1693, chapters 8 and 9, and 1693-4, chapters 1 and 16.

The following is the order in Council upon the final report of the committee appointed by this chapter:—

"Feb. 20, 1694-5. Upon reading the Report of sundry Gentn nominated & appointed by the great and General Court or Assembly of a Committee to revise the accompts of John Phillips Esqre during the time of his being Treasurer of the late Colony of the Massachusetts, and to rectify all errors and mistakes as should appear therein, not taken notice of by the former Committees or otherwise, and to adjust the same &c, wherein they find due to the sd John Phillips the sum of Five hundred & eighteen pounds, sixteen shillings money, including the allowance made him by the said Court of Five hundred pounds as a recompence for his service as Treasurer for the said late Massachusetts Colony from the 18th day of April 1689 until the 14th day of May 1692.

Pursuant therefore to an Act of the Great and General Court or Assembly Entituled, An Act for enabling the Treasurer to call in the arrears of publick Rates and discharging of publick Debts, passed at their Session in November 1693. and one other Act for granting unto their Majties a Tax of twelve pence a Poll and one penny for the pound for Estates, amongst other things applied to the discharging of publick Debts due from the Province, made and passed at their Session begun and held at Boston the 30th day of May 1694.

Ordered. That Mr Treasurer to pay the abovementioned sum of Five hundred and eighteen pounds sixteen shillings unto the said John Phillips Esqre late Treasurer.

WM STOUGHTON." — *Executive Records of the Council*, vol. 2, p. 312.

See vote, 1695-6, chapter 20, which was rescinded by vote of 1695-6, chapter 53, *q. v.*

Chap. 22. This chapter is from archives, vol. 61, p. 521. It is recorded in council records, vol. VI., p. 362.

The following is the petition upon which this vote was passed:—

"To his Excellency Sr William Phips Kn^t Cap^t General & Governor in Chief in and over their Majties Province of the Massachusetts Bay in New England, and the honorable Council, & Representatives convened in Generall Assembly.

The humble Petition of Cap^t Robert Glover Command^r of the Sloop Dragon a private man of Warr, in behalf of himself, and the owners and Company of the said Sloop.

* Colonial New York, *ut supra*.

The neutrality thus secured by Frontenac through the recklessly selfish policy of Fletcher was a dire calamity to New England, since while it deprived her of the help of a powerful ally it enabled the French to direct all their efforts against New Hampshire and Massachusetts without fear of an attack in the rear. See further on this point, the note to private act, vol. VI., number 19.

Sheweth

That whereas in the year 1691. his Excellency Christopher Coddington Esqr Capt General Governr and Comādr in Chief of their Majties Carribbee Islands and Vice-Admirall of the same, did Constitute and appoint your Petitionr Comādr of the said sloop, and thereby Comissionated yor Petitionr & Company to take & surprize all such ships goods merchandizes & things as belonged to their Majties Enemies the ffrench & their Allyes. Since wch yor petieōnr & Company have taken near twenty severall vessells loaden with ffrench goods & merchandizes and have had the same adjudicated & condemned to him & his Company as Lawfull prize, without paying any Tenths or other duties or Imposts either for the s^d vessells or merchandizes. And yor petieōnr further sheweth That on the sixteenth day of July last past in the Mouth of Canada River he and his Company belonging to the said sloop did take one flyboate called the snt Joseph of the burthen of three hundred Tonns loaden with Wine Brandy & other Merchandizes belonging to the said ffrench Kings subjects, bound from Rochell in ffrance to Quebeck for the supply of the ffrench there, and the same is brought into the Port of Boston for Condemnæōn, hoping for the like encouragement here for yor petieōnr and Company as he & they have already received in their Majties said Carribbee Islands. Now so it is may it please yor Excellency and honor^s That since your Petieōnr's arrivall in this port with the s^d prize for her Condemnæōn, he is informed that he is lyable to pay Impost for his Wines after the rate of tenn shillings Ψ hogshead wch will be a very great discouragement to him and his Company & such others as are designed to Joyne him here the next Spring, for the annoyance of their Majties Enemies in these parts and for the great advantage and enriching of this Province Yor Petieōnr therefore humbly prayes, the p^misses considered That your Excellency and honor^s will be pleased to free the said Prize snt Joseph and all her goods merchandizes and things therein from all such Imposts and duties as are imposed & laid vpon all or any part thereof by any Law of this Province

And yor petitionr as in duty bound will ever pray &c

ROBERT GLOVER." — *Mass.*

Archives, vol. 61, p. 521.

As it first passed the Council, September 13th, this vote provided that " $\frac{2}{3}$ s be abatd and no drawbacks to be allowd for Exportation."* On the next day the House passed the following vote:—

"Voted That s^d Robt Glover Be abated & freed from all Duty & Impost which is laid on said Vessell or Goods by any Law of this Province." — *Ibid.*, p. 522.

This vote was subsequently amended in the Council to the form in which it appears in this chapter, and in that form it was concurred in by the House.

Chap. 23. This chapter is from archives, vol. 61, p. 526. It is recorded in council records, vol. VI., p. 362.

By an act of parliament during the protectorate,† masts, pitch and tar, imported, were subject to an excise of twelve pence in the pound, to be paid by the first buyer, upon a prescribed schedule of valuation. This was in addition to the established duties paid by the importer. By a former act‡ of this parliament, which is the foundation of the Navigation Acts of 12 Ch. II., the importation of such stores from places out of the realm (except from Europe, in vessels belonging to the place of production and export) was confined to vessels built in England or her plantations. This afforded no especial encouragement to the English plantations in America, nor does parliament appear to have offered such encouragement until 1696,§ under 7 and 8 Wm. III., chapter 22, which permitted the importation from the plantations, under certain restrictions, in vessels taken as prizes, — or, for the space of three years, in foreign-built vessels, — of "masts, timber and other naval stores, for the king's service." For a few years before this enactment, however, the Privy Council gave every encouragement which the law permitted, to the exportation, for the use of the navy, of naval stores from the American colonies. This wise policy seems to have been suggested by Sir Henry Ashurst, the acting agent of the province, and Sir Stephen Evance or Evans, "who was a native of New Haven, Connecticut."¶

The letter referred to in the preamble to this chapter has not been found in the archives. It is particularly mentioned in the council records;|| and, occasionally, about this date, in the correspondence between the government of Massachusetts and the authorities of New York, Connecticut and Barbadoes, reference is made to the arrival of vessels to carry masts, etc., to England.**

Chap. 24. This chapter is from archives, vol. 100, p. 434. It is recorded in council records, vol. VI., p. 364.

In the council records this chapter appears in the form of an order; thus, —

"Sept. 21, 1694. Upon application made by the Selectmen of Hadley, setting forth That in their proportion to the Tax of Thirty thousand pounds, they were overcharged the Sum of Fifty pounds, through mistake. Praying That the Error may be rectified

Ordered That the sum of Fifty Pounds be allowed, and Abated unto the Said Town."

The following petition from the selectmen of Hadley and the county commissioner was presented to the Assembly of 1693 during the first session:—

* *Mass. Archives, vol. 61, p. 521.*

† Seobell's Acts, 1653, chapter 20.

‡ *Ibid.*, 1651, chapter 22.

§ On the third of September this year Benjamin Furzer and John Bridger were commissioned by the Privy Council to go to New England, "to inspect and survey and give advice of the naval productions those places did produce, and what improvements might be there made for the future." — *Palfrey's Hist. of New England, vol. IV, p. 396.*

|| September 6, 1694, vol. VI., p. 358.

¶ Son of John. He was born April 21, 1652, and probably went with his father to England about 1656. — *Winthrop Papers, in Mass. Hist. Soc. Coll., sixth series, vol. III., p. 19, and note.*

** See note to chapter 34, post.

“To y^e Honorable Sr W^m Phipps Kn^t Govern^r & to the Honord Counsell & Representatives in Gen^l Corte Assembled May 31 1693 The Humble Petition of the Inhabitants of Hadly Humbly sheweth—

Whereas in the Last Assessment made in March Last Our Town with others gave in a List of o^r Rateable Estate, in which notwithstanding all o^r care & y^e care of the County Comissioners appointed for y^t affaire there was an apparent Eror in y^e sum of s^d List upon wch additions were made & thereby we are Assised Over & above what was o^r Right to doe according to y^e rules then improved in s^d Assessmt wch is as ffolloweth.

The numb^r of heads or poles in o^r List as it was given in were 80 wch are but 78 that we have to Rate upon; And together with y^e aforesd Eror there was an Eror in y^e casting up y^e sum totall of o^r List; that was it was given in at 76: 1^s 10^d it is in realitie But 65 1 10^d as may appear by y^e List now Extent; Calculate o^r sum or part to y^e 30000^{li} by 80 heads or poles & the sum totall on o^r List at 76^{li} 1^s 10^d & it is as ffollows

| | | |
|--|--|--|
| 80 poles at 20 ^s p comes to | 80 ^{li} = 00 ^s 00 ^d | } totall 251 ^{li} 09 ^s 02 ^d |
| The Rateable Estate wch is 36 1 10 ^d aded | 181 = 09 02 | |
| 5 tymes with an addition wch was made at | | |
| 1 ^{li} comes to | | |

deduct y^e first pt at . 68 07 00

deduct y^e 2^d pt at . 193 02 02
76 01 10

wch is y^e 3^d pt . 117 00 4

Setting y^e heads or poles at 78 & y^e totall sum of o^r List at 65^{li} 1^s 10^d wch in Realitie they are no more as aboves^d & then y^e just sums are:

| | | |
|---|--|--------------------|
| 78 poles at 20 ^s comes to | 78 ^{li} 00 ^s 00 ^d | } totall 209 09 02 |
| the Rateable Estate which is 26 1 10 aded | is 131 09 02 | |
| 5 tymes wth an addition which was made at | | |
| 1 ^{li} comes to | | |

deduct 1st pt . 68 07 00

deduct y^e 2^d pt . 141 02 02
65 01 10

y^e 3^d pt is . 076 00 04

Soe y^t we are Assessed 41^{li} more then o^r due & Right wch to cleere up to good satisfaction we have obtained y^e help of y^e County Comissioners to shew wherein the Eror is as aboves^d & wch they findeing doe attests to as witness there hands this 24 May 1693

SAM^l PARTRIGG
JOSEPH HAWLEY.:

And therefore we Humbly intreate it may be Rectified & s^d 41^{li} abated out of the Last part of y^e Assessmt wch now according to y^e treas^rs ord^r is 117^{li} 0 4^d when it should in Realitie be but 76^{li} 00^s 04^d & for yo^r Honors we shall Ever pray

alsoe abate 11^{li} from y^e 76 1 10^d in wch we are alsoe overcharged—

AARON COOKE. } Select men in Hadly in
JOSEPH KELLOGG } y^e name of y^e Rest of the
SAM^l BARNARD } Inhabitants in Hadly &c—
TIMOTHY NASH: Coun. Comishoner.”—*Mass.*

Archives, vol. 100, p. 432.

This petition seems to have been continued to the next Assembly and then referred to a joint committee who made the following report thereon:—

“Vpon y^e examination of Hadleyes Assesmt we find 10^{li} Miscast & two heads ouer charged

PENN TOWNSEND } Comitte
NEH. JEWET }

| | |
|---|------------------------|
| 10 ^{li} Ratuable Estate aded 5 tymes | 50 ^{li} 00 00 |
| 2 heads at | 2 00 00 |

52 00 00.”—*Ibid.*

This report was read a first time on the fifteenth of November, and on the twenty-second the petition was “voted out of court by a negative vote.”

At the first session of the Legislature of 1694–5, George Stillman, the representative from Hadley, presented the following petition:—

“To his Excell: Sr W^m Phips Gour & to y^e honorable Counsell & Representatives in Gen^l Corte assembled

I whose name ar underwritten humbly Petition this Corte y^t was in y^e 30000^{li} taxes Last made y^e town of hadley by an eror in the promisabell sum of their estates was assesed & ouer Rated to y^e sum of 50^{li} more yⁿ our equall proportion with other towns & their estates would Rayse and in as much as it is a Reall eror as appeareth by a comitty from this house in their return humbly entreate this Cortes Consideration & abatement of s^d sum either out of y^e p^{re}sent tax or out of the next wch shall be Raysed & it being soe just & Reasonable a thing I hope & bleues yo^r honors will Grante it to whome humbly p^{re}sent these & for yo^r honors I pray

Jun: 12 94

GEORG STILLMAN
for & in be-

halfe of the Town of hadley.”—*Ibid.*, p. 433.

The following are the proceedings upon this petition:—

“Upon the Petition of George Stilman in the behalfe of Hadley to be abated £50^{li} by Reason of misscasting in the 30000^{li} Tax it is voted That the Town of Hadley be abated in the next Tax thirty Pounds

June 16th: 1694: Past in the affirmative by the house of Representatives & sent up to his Excy & Conail for Consent

NEHEMIAH JEWET. Speaker.”—*Ibid.*

The above first vote of the House having been found erroneous it was brought up again in the House three months later, when the following vote was passed thereon:—

“Upon further Consideration of y^e Petition of George Stilman in the behalfe of y^e Town of hadley to be abated fifty pounds by Reason of a misseasting in the 30000 Tax: it is voted y^t y^e Town of hadley be abated the s^d fifty pounds in arrears of the 30000th Tax and not 30th in the next Tax. past in the affirmative by the house of Rep^r & sent up to his Excy & council for consent

Sep^r 19th 1694/

NEHEMIAH JEWET Speaker.” — *Ibid.*

It does not appear that the Council acted upon this petition until the second session, when the House sent up the vote which constitutes this chapter. This was on the nineteenth of September, and on the twenty-first the Council concurred therein.

Chap. 25. This chapter is from archives, vol. 61, p. 531. It is recorded in council records, vol. VI., p. 364. See notes to chapters 23, *ante*, and 34, *post*.

Chap. 26. This chapter is from council records, vol. VI., p. 367. It is preserved in archives, vol. 100, p. 499.

The following is the account referred to in this chapter:—

“An account of what is Due to Sundry P^{rs}ons Improved by Coll^o Pyncheon. Samuel Sewall & Penn Townsend in their late Journey to Albany by order of the Generall Court

| | |
|---|----------|
| To our attendants & Pilots | 18. 15 0 |
| To horse hire | 12. - - |
| To Severall Expences fitting out | 2 17. 6 |
| To m ^r Benja. Wadsworth: our Chaplin | 6- 0-0 |
| To our Selves: what this honored Court shall see meete to allow | 60- 0-0 |

99- 12- 6

Boston 21th Septemb^r 1694

SAM^o SEWALL.
PENN TOWNSEND.” — *Mass.*

Archives, vol. 100, p. 499.

It was first approved by the Council on the eighteenth, and the next day “consented to” by the House.

For this payment the Treasurer had the following executive order:—

“Dec. 5, 1694. Whereas the Great and General Court or Assembly at their Sessions in October last voted, that there be paid out of the publick Treasury unto Samuel Sewall Esq^{re} & Major Penn Townsend two of the Commissioners lately employed to Albany on behalfe of themselves &c^a the sum of Ninety nine pounds twelve shillings and six pence according to their accompt laid before and approved of by the said Court.

Pursuant therefore to the Act Entituled an Act for granting unto their Maj^{ties} a Tax of twelve pence a Poll and one penny on the pound for Estates, made & passed at their Session in May last, amongst other things applied for the answering of the contingent charges of the Govern^t

Ordered. That M^r Treasurer do pay unto the said Samuel Sewall and Penn Townsend on behalfe of themselves and others in the said accompt named, the above sum of ninety nine pounds twelve shillings and six pence.

W^m STOUTON.” — *Executive Records of the Council, vol. 2, p. 296.*

The following entry showing other items of expense incurred by Massachusetts in this treaty is from the province treasurer’s account:—

“Paid Samuel Sewal Esq^r & Maj^r Penn Townsend
Comission^{rs} employed by the Governor & Council
to transact with the maquas & other Nations of the
Western Indians for renewing y^e Ancient Freind-
ship £200 “-“- as a present & £149 “12 “6 inci-
dent charges for y^mselves & Guard. 349 “12 “6
Paid Lieut Jn^o Hammond for himselfe & Troopers as
a guard to springfield to y^e Comission^{rs} that went
to Albany 13 “19 “6
Paid Eliez. Phillis for defraying y^e necessary charges
of y^e Guard y^t went with y^e Comission^{rs} to spring-
field, 6 “2 “- 369 “14 “-.” — *Mass.*

Archives, vol. 122, p. 39.

In the note to chapter 17, *ante*, it has been shown that Colonel John Pynchon acted as one of the commissioners to Albany; and it was conjectured that he went in his military capacity, on the order of the Commander-in-chief. If this conjecture is well-founded his services were requited by his regular allowance as a military officer on duty. He, however, seems to have believed himself entitled to compensation in a civil capacity equally with his associates. This appears by the following letter from his friend Colonel Partridge, who was then a deputy to the General Court from Hatfield, enclosing the subjoined note which he had received from Pynchon:—

“To his Excell^{ty} Sr W^m Phipps Kn^t Gov^r & to y^e Honorable Counsell &c
The Hon^{or}abl^e Coll^l Jn^o Pynchon Esq^r Haveing perform^d a journey to Albany on their Maj^{ties} Service & desiring myself to p^rsent to yo^r Hon^{ors} his desires of yo^r Consideration & allowance for his s^d Service w^{ch} accordingly in his behalf I doe here p^rsent & Remayne yo^r Hon^{rs} much obliged Serv^t

Boston Sep^r 12 1694

SAM^l PARTRIGG.” — *Ibid.*,
vol. 100, p. 496.

“The Gent^l y^t went to Albany: I suppose wil haue some allowance made y^m at this court for their service: when as yo^u haue opportunity, If yo^u would Please to mind & put in, for me, I shal take it thankfully: I hope at least .20^{li} wil be allowed me: It was

a very hard service in my age: & r: w^t may be allowed me, I intreate you to get y^e order & bring it wth yo^r & y^e Treasrs order to o^r constable to pay it me

J[OHN] P[YNCHEON].” — *Ibid.*

Chap. 27. This chapter is from archives, vol. 113, p. 90. It is recorded in council records, vol. VI., p. 367.

The following petition, which is the foundation of the vote that constitutes this chapter, was read in the House of Representatives on the eighteenth of October:—

“To his Excelencie Sir William Phips Cap^t Gen^l: & Gouvern^r in Cheife in & ouer there majesties province of the Massachusetts in New england & the Rest of the Hon^d: Gen^l: Court Sitting in Boston october: 16th: 1694

The Humble petition of Thomas fiske of Wenham in behalfe of the towne Humbly Sheweth—

Whereas the Hon^d: Gen^l: Court at there last Sessions in Sept: 5th were pleased to make an addition to our list of 19th: 8^s: 8^d makeing vp the wholl Sum 91th: 11^s: 0 as by the Treasnr^s precept transmitted to our towne doe appeare: our towne looke at them Selues Greatly opprest thereby & humbly crane Yo^r Excelencies hon^d Court to Releive vs therein forasmuch as there was a greate mistake in Casting our Sum eyther by o^r affores^d: list or Comparing it with o^r towns proportion of the 30000th it will plainly Appaere that we are Assessed more then twentie two pound to much or thereabout as to o^r list of 19th: 8^s: 8^d we therein Assessed o^r Inhabitants to the vtmost according to the hard Sircumstances that o^r towne is vnder by reason of scant bounds & want of Co^mon & medow: most of o^r people are forct to Goe about Eight miles for there haye & there buye it at a deare Rate seuerall of o^r Ihabitants haue greate part of there medow tilling & pasture lyeing in other townes

Yo^r pettioner Humbly offers the Cass to yo^r: Excelencie & the rest of this Hon^d: Court & praye that Justice may be attended by Remoueing any thing therein w^{ch} hath bin don w^{ch} was not fairely Intended & yo^r pettioner shall as in duty euer praye

Sir Yo^r Excelencies & Courts Humble Seruant

THO^s FISKE.” — *Mass.*

Archives, vol. 113, p. 90.

On being read and considered, the vote aforesaid was passed by the House.

This petition was referred to a committee of the House, consisting of Mr. Clap, Major Sweyne, Captain Gardner and Mr. Tilestone, “to overhall the list to see if there be a mistake in the doom upon Wenham.” This committee reported as follows:—

“vpon the viewing of y^e seuerall lists we find there is a mistake of twenty pounds which the Town of wenham is more in proportion then other Towns.” — *Ibid.*

The form of the vote as made up by the Secretary is as follows:—

“Oct. 19, 1694. Voted in Concurrence with the House of Representatives That it Appearing that the Town of Wenham has by Mistake been charged to the late assessment over, and above their proportion, The Said Town shall be allowed, and abated the Sum of Twenty pounds out of their proportion to the next publick Tax which shall be granted.” — *Council Records, vol. VI., p. 367.*

See, further, note to chapter 32, *post*.

Chap. 28. This chapter is from archives, vol. 100, p. 500. It is recorded in council records, vol. VI., p. 368.

Chap. 29. This chapter is from council records, vol. VI., p. 368. It is preserved in archives, vol. 100, p. 466.

The following petition, which is the foundation of this chapter, was presented during the second session of the former Assembly:—

“To his Excelency y^e Gon^r Sr Will^m Phipps Kn^t &c: the Hon^d Councill & Representatives Conveaned at Boston: febr: 14th: 1693/4

The Humble Petition of Ju^o Houghton in behalfe of the Inhabitants of y^e Towne of Lancaster:/

Humbly Sheweth

That wheras y^e s^d Inhabitants of Lancaster haue both formerly & of late been exposed to very great troubles & charges by Reason of y^e Long continued war with y^e Indians: seuerall persons being Killed by them & others haueing Lost great part of there estate by them: & also by being so long Nessessitated to lue in Garisson where neither men nor women can doe but very litle towards y^e supply of there families: there being so mutch time spent in watching warding & many allarrums that haue been amongst us & that which is more y^e dayly feares we were exposed to in y^e Dangers which attended us in our labours. being for so long a time constrained to get our bread with y^e perill of our liues: whereby many are brought to extreame poverty. not knowing how to get either food or cloathing for themselves or familys: also y^e great charge expended in building Repairing & maintaining so many Garissons: eight of which being allowed by order. y^e charge of s^d Garissons being very considerable: also in y^e midst of theese troubles we haue beene at great charges in y^e settlement of our towne, it being wholly Destroyed y^e last warr: & yet we are in great feares notwithstanding y^e present peace we being so few in number & so unable to defend ou^rselues:

Your Peti^o Humble Request to yo^r Hon^{rs} is that you would consider the p^rmisses & Releive s^d Inhabitants by Granting them som considerable allowance for y^e charges expended in y^e bnilding & Repaireing s^d Garissons acording as you^r Hon^{rs} in wisdom & Justice shall see meet & heerby your Peti^r together with y^e Rest of the Inhabitants of s^d Lancaster shall be the beter Incouraged to conflict with y^e many Diffualtyes we are Incident to & farther obliged as in Duty bound euer to pray: &c:/

JN^o HOUGHTON in behalfe of the Inhabitants of Lancaster.” — *Mass.*

Archives, vol. 100, p. 466.

This petition having been read, the House passed the following vote thereon:—

“March 3^d 1693/4 In answer to the above Petition & for the encouragment of the Inhabitants of Lancaster referreing to their great Charge in fortifying themselves in this Troublesome time the house of Representatives Do vote that the said Town be allowed them Twenty pounds out of y^e next assesment & sent up to his Ex^{ly} y^e Gover^r & Council for their Concurrence & Consent

NATH: BYFIELD Speaker.” — *Ibid.*

No action having been taken upon this subject by the Council it was brought up again this year in the third session of the General Court, and the following vote by the House was concurred in by the Council:—

“October 19th 1694/ the above Vote is again voted & past in the affirmative by the house of Representatives to be allowed out the Tax last granted & sent up to his Ex^{cy} and council for consent

NEHEMIAH JEWET Speaker.” — *Ibid.*

See, further, note to chapter 32, *post*.

Chap. 30. This chapter is from archives, vol. 113, p. 97. It is recorded in council records, vol. VI., p. 369.

In the letter from Lieutenant-Governor Stoughton to the Governor and Council of Connecticut, July 30, 1691,* mention is made of the attack on Groton, by Indians, on the previous Friday.† Harvest time was approaching, hence a few weeks later the inhabitants applied to the Governor and Council for a military guard while getting in their crops. Upon this application the Council advised the adoption of measures for protecting the inhabitants, as follows:—

“Aug. 23, 1694. Upon application made by the Inhabitants of the Town of Groton, where great depredations and murders have lately been committed by the Indian Enemy, praying that some assistance may be afforded them, that they may be enabled to attend their occasions in the Field, for gathering in of their Harvest; and the like being moved by Major Tho^s Henchman on behalfe of the Frontier Towns within his Regiment.

Advised: That thirty of the new raised Forces be posted in the Frontiers as the Commissioners of War with s^d Major Henchman, shall advise and direct to be of the most service for their defence, and that eight of the Troopers lately employed to range upon the heads of those Towns for discovery of the Enemy be continued in that service for one fortnight more and no longer; and that the sixteen Souldiers posted at Dunstable and at Varnums & Cobournes Garrisons be continued in their Post.

Advised: That Col: Saltonstal be ordered to detach Twelve Men out of his Regiment to be improved at his discretion for the security of the Frontiers there, & discovery of the Enemy.” — *Executive Records of the Council, vol. 2, p. 279.*

The following petition, upon which this chapter is based, gives a summary of the circumstances which induced the petitioners to ask for relief:—

“Groton Octobr 15th 1694 To the Honored Generall Court:

The humble petition and earnest request of the Inhabitants of Groton humbly sheweth; That whereas we the present survivors of this Town do understand that ourselves either without invoice, or according to some former, or according to your honours pleasures are willed & domed for a rate or Levy, a considerable some of moneys amounting to 50^ls; we therefore being feelingly apprehensive of our utter incapacity, in present circumstances without apparent wrong to us; to pay said sum humbly make bold under God to addresse this honored great generall Court. with both our humble petition and a discovery of our condition: our petion is that we may (If it be your honourable pleasure to remitt us our assesment and not putt us upō further inevitable streights & Miseryes, This we humbly petion (and that we may not be thought unjustly to withdraw y^e shoulder from putting our strength & help to support and cary on the governement of their, our Majestyes in this part of their dominion. and be unwilling to bear our part with the rest of their majestyes subjects on this New England shoar) as we haue constantly & proportionably heitherto done) and as argnments and Reasons to prevail in this case, we make bold to spread our conditiō before your honored selues: not to run back very farr

1 It pleased God the disposer of all men & humane affairs to place us upon y^e outward borders of y^e inhabited land on this side y^e country. which by some is alledged as an argument against us, yett lett Reason butt speak & the union and communion not ondy of naturall, butt christian societyes haue its argument and it will tell us of bearing one anothers burdens, and of that sympathetick property that is in a naturall body & rationally ought to be both in cyvill & politick also: and therefore whatever our alledged privileges are, or have bin, we ought not to be Grudged them, for indeed our out edge & distant Living hath bin in these times of late awfull dealing, our hurt & damage both as to P^{sons} & estates beyound parrelllell with any inward Townes, as plaine & undeniable Reason & argument is ready to be given:

2 The providence of y^e wise God, did order it That very greivous troublesome and mortall sickness was amoungs us the last year by weh we were not ondy leasoned considerably in our numbers, butt deminished in our estates It being so generall That one could not help y^e other by weh great echarge of Doct^{rs} came upō us, losse of y^e seasonable Labour of our inhabitants, to the indamaging y^e estates of y^e most, unrecovered by many to this day.

3 we might add our constant (in these late times) standing upon our guard, and considerable charge, of building & repairing forts, for our owne and the countryes safty, and securing their majestyes subjects, both here, and in the inmost places.

4 This years soar and awfull troubles by y^e late deaths captivityes and consequent meseryes. whereby we lost severall able valuable P^{sons} whose estates are either, much lessened, or removed by others, out our reach: beside by inevitable losse of corne, It is

* Note to chapter 17, *ante*.

† The English losses were probably twenty-two killed, three wounded and thirteen captured. See an exhaustive account of the affair in Dr. Green's "Groton during the Indian Wars."

Judged by many of our Towne that a third part at lest of our Indian corne, is wholly lost : and now of late Psons haue bin hendred much in their corne, & hay harvest, beside the hand of God upon our husbandry, as to rye much blasted, not halfe a usnal crop and by early frost, Indian corne much hurt, & damnified, that severall families will be at a losse for corne, not having for halfe y^e year through : Thus leaving our petion & condition to your honours serions consideration hoping you may see, reason to indolge us in that matter praying to God who settis amoung y^e god to direct, & preside, and blesse, your Psons & consultations, to conclude & determine what may be for y^e present & future weel & prosperity, of these plantation, we rest & remaine yours in all duty & service :

JAMES PARKER SENR :

WILLIAM LAKEN SENR. select men
in the name of y^e select men &

by y^e voat of y^e Towne of Groton."—*Mass. Archives*, vol. 113, p. 89.

See, further, note to chapter 32, *post*.

Chap. 31. This chapter is from archives, vol. 100, p. 501. It is recorded in council records, vol. VI., p. 370.

The following is the petition upon which this chapter is based ; the vote upon it being passed by the representatives on the twentieth, and concurred in by the Council on the twenty-third of October, 1694 :—

"To his Excellencie Sr W^m Phipps Kn^t Cap^t Gener^l & Governor in cheif of their Maj^{ties}. Province of the Massachusetts Bay in New England &c & To The Hon^{ble} Counsell &c—

The Humble Petition of Andrew Sigourney Cunstable at the French Plantation—

Humbly sheweth vnto your Exelency & To vor Hon^{rs} that your Petitioner reced an order from Mr James Taylor Treasurer for the Collecting Eight pounds six shillings in our Plantation. for Poll money now wheras the Indians haue appeared seāll Times This somer wee were forced To Garrison our selnes for three moneths Togather & seāll ffamillies fled soe that all our somers Harvest of Hay & Corne hath gone To ruinn by the Beast & Cattle w^{ch} hath brought vs soe lowe that wee haue not enough To supply our owne necessities many other ffamillies abandoning likewise soe that wee haue none left but Mr Bondet our Ministre & y^e poorest of our plantation soe that wee are incapable of paying sd Poll vnlesse wee dispose of what little wee haue & quitt our plantations wherefore humbly intreat this Honn^{ble} Councell To consider our miseries & incapactie of payin this Poll & as in dutie bound wee shall ever pray &c^r."—*Mass. Archives*, vol. 100, p. 502.

The following is the form in which this vote was recorded by the Secretary :—

"Oct. 23, 1694. Voted in Concurrence with the Representatives, That the Treasurer Suspend the Calling in the last Tax laid on the Town of Oxford of eight pounds, Six shillings, until May Court next."—*Council Records*, vol. VI., p. 370.

See, further, note to chapter 32, *post*.

Chap. 32. This chapter is from archives, vol. 3, p. 378. It is recorded in council records, vol. VI., p. 370. This was the last of a series of similar votes this year.

The following order in Council was passed in conformity with the provisions of the tax act of this year :—

"Nov. 6, 1694. Whereas in and by an Act of the Great and General Court or Assembly Entituled : an Act for granting unto their Maj^{ties} a Tax of twelve pence a Poll and one penny on the pound for Estates, made and passed at their Session begun and held at Boston the thirtieth day of May last, in the sixth year of their Maj^{ties} Reign, amongst other things therein contained, It is provided and declared that all such Towns and places as by the vote of this Court at their Sessions in May or November the last yeare, were judged to have been assessed over and above their due proportion to the last Tax, shall have the allowance and abatement then Ordered them respectively out of the next Tax or assessment that should be granted, which is this present Tax.

Pursuant therefore to the said Act, Mr Treasurer is hereby Ordered to make allowances to all such Towns and places according to what shall be made appear unto him by the votes of the said Court.

WILLIAM PHIPS."—*Executive Records of the Council*, vol. 2, p. 289.

Chap. 33. This chapter is from council records, vol. VI., p. 372, and archives, vol. 70, p. 226.

The following is the petition on which this chapter is based :—

"To his Excellency Sr William Phips Kn^t Capⁿ Generall and Govern^r in cheife of their Maj^{ties} Province of the Massachusetts Bay in new England and Hon^{ble} council of the same with the Representatives of sd Province now assembled in Generall Court held att Boston June 8th 1694.

The Petition of Samuel White of Weymouth

Humbly sheweth

That att the beginning of the Late Revolution here, upon the seizure of Sr Edmond Andross, there remained due to yor Petition^r for Building of the Mary ffort in Boston & the Gunn Carriages then placed therein, the summe of Forty Pounds & npwards, w^{ch} the Comittee this present Yeare has allowed of, as of right belonging to yor Petition^r, of which hitherto he has not recd one penny. That after the said Revolution Yor Petition^r recd a warrant from Coll^l Quinsey of Braintree, requiring yor Petition^r with his Troope (w^{ch} yⁿ consisted of Twenty Eight men) to goe up to Mendham & round the out Townes for their defence, w^{ch} Warrant he with his Troope obeyed and were out upon the Country's service a whole weeke, and bore their owne Expences, without any manner of Compensation

hitherto for the same. That Soone after Sr Edmond Andross made his Escape out of the Castle your Petitioner received a Warrant from Govr Bradstreet and the then Council to pursue him and to bring him back, with warrant Your Petitioner and his Troope consisting of Fifty Two men, Obeyed by Going to New Port after sd Edmond, & in bringing him back to your Castle againe, and only charged the countrey for one daye and nights Provision for sd Troope at Bristol, the rest of the charge the sd White defrayed which then Cost him Nine pounds & upwards in money. That about the time of the beginning of the Late Expedition for Canada, Capⁿ Legg Mr James Taylor and others came Downe to weymouth with a warrant from the then authority to make Bullets, for sd Expedition, and finding that the Same might be made without water by the help and Assistance of a Competent Number of hands, Your Petitioner Employed Sixteene poore men Together with himself Tenn dayes & Nights thereabout, and that very dilligently & Industiously too; and at his owne cost payd off the said poore men, And your petiti^o had his owne Boate Impressed to bring up the said Bullets as also to carry wood downe on board the Cannada fleet. Soe that upon the whole There is due to your petiti^o above Seaventy pounds money, besides he had Two men a whole winter in the Countrys service in your Easterne parts under sr Edmond Andross, & never had their armes returned him nor any compensation for their Service

Your Petitioner Therefore humbly entreates the favour of this high and honorable Court to take your premisses into Consideracion by being pleased to order unto him the payment of sd moneys. And Your Petitioner as in duty bound shall ever pray &c

SAMUEL WHITE." — *Mass.*

Archives, vol. 70, p. 225.

With the above petition White filed the following account: —

| | | |
|--|---|---------|
| "The province of the massachusetts bay debt to Sam ^l white Capt | | |
| 6 th 5 ^{mo} 1689 | to himself Cornet Chubback & twenty Six troopers Scouting fine | u s d |
| | dayes on your fronteir towns & paid for their own prou ^r | 13-03-0 |
| 25-5-94 | to what he paid seueral men for turning your whele to make | |
| | bullets & other Charges as by his acc ^o | 16-15 0 |
| | | 29-18-0 |

to my Expence & tyme with my troop Consisting of fifty two men in bringing Sr Edm: Andross from Newport to your Castle which Cost me nine pounds in mony which I freely giue vnto the prouince provided your above acc^o be paid the 24th octo 1694

SAMUEL WHITE." — *Ibid.*, p. 226.

The petition having been presented to the House it was referred, together with the accompanying papers, to a committee, who reported as follows:—

"wee whose names are vnder written being appointed a Comitte to Examine Cap^t whites petition & papers, haue accordingly viewed the same & doe Judge that the aboue acc^o of twenty nine pounds Eighteen shillings ought to be paid him by the province the 25th 8^{mo} 1694

JEREM^u SWEYNE

SAMUEL GARDNER." — *Ibid.*

For some reason which does not appear, £7 10s. were deducted from the amount claimed, before the vote was passed.

The province treasurer's account shows that Captain White was paid £22 8s.

Chap. 34. This chapter is from archives, vol. 61, p. 548. It is recorded in council records, vol. VI., p. 372.

In the note to chapter 23, *ante*, which is the vote appointing the committee mentioned in the present chapter, some account is given of the increased attention paid by England to the production of naval stores in her colonies in America. Sagacious English merchants began to entertain schemes for establishing monopolies for this business,* and numerous vessels were sent to America by the admiralty, to procure such of these stores as had heretofore been chiefly furnished by the northern countries of Europe. Mention of the arrival, or expected arrival, of mast ships occurs in letters from Lieutenant-Governor Stoughton to Governor Fletcher, February 25, 1694-5, and April 1 and May 20, 1695; and to Governor Treat of Connecticut, May 6th — the last two being cited in the notes to chapters 29, 1695-6, and 1, *ante*, respectively.

The following is the order in Council for the payment of the first instalment of the money granted in this chapter:—

"Nov. 3, 1694. Pursnant to a Vote of the Great and General Court or Assembly of the 27th of October last, that Mr Treasurer by order of the Governour with advice of the Council, do disburse & pay out of the late Tax the sum of one thousand pounds (or more) if needed for the Cost of a Ship load of Naval Stores, ordered to be sent into England, and towards their transportation according as in the sd vote is directed, including the sum of four hundred and eighty pounds remaining of the moneys formerly ordered to be remitted unto Sr Henry Ashhurst according to a former vote of the said Court.

Ordered. That Mr Treasurer do pay unto Colonel Bartholomew Gedney, Col: Elisha Hutchinson, and Major John Walley of the Committee appointed by the Court to provide the sd Naval Stores, and to take effectual care for the speedy transportation of the same, the sum of six hundred pounds in part of the sum abovementioned towards the purchasing of sd stores, and effecting of such agreement as shall be made by that Committee for the transportation thereof.

WILLIAM PHIPS." — *Executive Records of the Council, vol. 2, p. 288.*

Similar orders for the additional payment of two hundred pounds, and one hundred and fifty pounds, were issued, respectively, on the twelfth of June and the twenty-ninth of August, 1695.†

* See chapter 12, *ante*, and note.

† Executive Records of the Council, vol. 2, pp. 336 and 361.

The following contract for furnishing material for oars and ships' knees for use in the navy remains in the archives and is inserted here as giving an idea of the price of such commodities at that time and the manner in which they were procured:—

"Articles of agreement had mad and Concluded Couenanted & agreed upon by & be twen W^m Partridge of Portsmouth in ye Prouane of New hampshier marchant one ye one party & Cap^t Thomas Haruy of Almsbury in ye County of Essex in ye Prouance of ye mathutects bay both in New England one ye other party witsneth That he ye sd thomas haruy doth by theas presanc Couenant promies and Agree to get & prouid or Caus to be got & be provided ten thousand fitt of good marchantable ore Rafters fit for thayr Majstes nauell stors made of whit ash and to be from fueten foot to twenty two foot in Length most of ye longest sort and all so to prouid or Caus to be provided three score tuns of good marchantable whit oke knes and standers non les then fine foot and to be square & with in square and in all Respects fit for theair Majst^e nauell stors and to be delinered with ye ore Rafters aboue mentioned at sum Couenant landing pleases on incremack Riner side fit for sloops to take ym in at or be fore the twentieth day of July next unto sd W^m Partridge or his order &c

And ye sd W^m Partridge on his part doth Couenant promies and Ingag to pay or Caus to be payd unto him sd thomas haruy o^r his order or assignes: the full and Just sum of one hundred & one pounds ten shillings Curont mony of new England whear of thirty fine pounds at Seailing & delinering theas presanc and the Remainer when the goods Aboue mentioned is delinered in time & place afore said and for trew performance the partyes: aboue named dwo bind them selues theyer Ayers Excecuters &c: Each to ye other In ye Penulty and forfeitur of two hundred pounds Curont as afore sd to be payd by ye failing party to ye obsaruing party in testomony whare of thay hane set to theair hands and seals Dated in Portsmouth in New hampshire afore sd this fueteenth day of January 1694/5

Test SAMUEL KEAIS
JOSEPH ALLEXANDER

W^m PARTRIDGE (Seal)

THO: HARVEY (Seal)

Resened of wm Partridge seuenteen pounds formerly and Eaigheten pounds now which is thirty fine pound being in full of ye first payment of a contract for knes and ore Rafter baring dat Equall with theas presants

January: 15: 1694/5

Pr me

THO: HARVEY

Test SAMUEL KEAIS

JOSEPH ALLEXANDER." — *Mass. Archives, vol. 62, p. 8.*

Chap. 35. This chapter is from archives, vol. 100, p. 506. It is recorded in council records, vol. VI., p. 373.

The inhabitants of Dartmouth were largely members of the society of Friends, and so not readily disposed to waive any technicalities which might be availed of to avoid the payment of taxes laid upon them by the Orthodox government, and, moreover, they had sincere scruples, doubtless, against contributing to support the war against Canada waged by the provisional government of Massachusetts.

As in many other cases, this chapter was framed by the Secretary, from two entirely distinct votes, on a petition and separate accounts, one by James Samson, and the other by Lettis Jenery, constables of the town of Dartmouth. Samson seems to have been in prison, in Boston, at the date of his petition, which is given below:—

"The Subscriber Humbly Sheweth to this Honourable Assembly That he be chosen Constable for y^e Town of Dartmouth in ye year 1690 had a considerable Rate Comitted to him to collect of ye inhabitants, w^{ch} by reason of ye perversness of ye people & vnsettledness of ye Government, there was a great part of the Rate he was not able to come at, for haveing wth a great deal trouble Hazard & charg seized sundry persons & estates w^{ch} were rescued from mee, & I could not procure yt assistance from authority yt was needfull, by reason whereof many Rates lay yngathered & some were Removed & others disenabled before I was in a capacity to receive ye same, Hope therefore this Honoured assembly will give me some releife yt I may not be forced to lye in prison to make good yt w^{ch} I was not capable to come at, & whereas y^r was a Comittce for to make complaints of this nature to I was ignorant of ye same vntil it was to Late I have made bold to Lay y^e Acc^t before you for such allowance & abatement as shall be iudged reasonable your ffavour herein will oblidg your poor petitioner

Boston ye 24th oct: 1694

JAMES SAMSON." — *Mass.*

Archives, vol. 100, p. 503.

With this petition Samson filed an account of his payments to the province treasurer, and of the allowance to which he was entitled for a debenture from the commissioners on the war, which had been turned into the province treasury by him, besides other items for which he claimed credit.

This account, followed by the account which Jenery rendered without a petition, is given on the next page.

* Manuscript mutilated.

| | | | |
|---|----------|---|----------|
| "The Sum Returned for mee to bee accounttable for to ye present Tresnr is | 60:00:00 | paid to ye Treasur by Major Walley wch sum Three pounds allowed to turn it to mony | 30:00:00 |
| | | By a Debenture chargd on the Tresnr by ye Com for ye warr. | 04:10:00 |
| | | By Dan: Wilcocks Rate haveing been seized & put in Bristol Jayl & taken out by order of authority | 01:01:08 |
| | | By wolf pd for as P ^r ord ^r of Court | 01:00:00 |
| | | By allowance of Two shillings in the pound for ye 60 th being ac- cording to ye ord ^r of ye then Treasnr by virtne of an order of the General Court | 06:00:00 |
| | | Tho: Sherman out of ye province: | 4:10:0 |
| | | James franklin | 0: 5:0 |
| | | Ralph Earl a mad man & his estate long since disposed | 1: 5:0 |
| | | | 6: 0:0 |
| | | pd to sundry persons for aid when ye persons & estates seized were rescued | 01:00:00 |
| | | | 09:01: 8 |

JAMES SAMSON." — *Ibid.*, p. 505.

"to the honnored Court this is to informe your honnors that severall young men of our town hane Left this pronene and haue left no estate in the town and therby I am Disappointed of giting ther Rate and I Doe Conceue it not to be a just thing for me to be forsed to be Responsible for that monye These men being removed before I recd: ye Rate to collect — Viz

| | |
|---|--------------|
| william macomber jun ^r | 01 - 00 - 0 |
| george wood | 01 - 00 - 00 |
| george sonl Jun ^r | 00 - 10 - 00 |
| Jonathan Conill Jun ^r | 00 - 10 - 00 |
| John Allen | 00 - 10 - 00 |
| Josiah Allen | 00 - 10 - 00 |
| thomas Sherman | 01 - 08 - 10 |

5: 8 - 10

LETTIS JENERY Constble." — *Ibid.*, p. 504.

On Samson's petition the following vote was passed by the House: —

"octobr. 25th: 1694 voted that nine pounds one shilling & eight pence be allowed or born by the Province and six pound be made good by the Towne
past in the affirmative by the house of Representatives and sent up to his Excy & Council for Consent
NEHEMIAH JEWET Speaker." — *Ibid.*, p. 505.

Two days later the vote was passed and concurred, in the form following: —

"Otober. 27^o: 1694. past in the affirmative by the house of Representatives & sent up to his Excy & Council for Consent
die Pdict. NEHEMIAH JEWET speaker

Vot^d a concurrence in Council.

Is: ADDINGTON Sec^{ry}." — *Ibid.*, p. 506.

On Jenery's statement the vote was as follows: —

"octobr 25th 1694 voted that the Town of Dartmouth make good the above Summs and that the petition^r be not obleiged to make it good past in the affirmative by the house of Repres^{ts} & sent up to his Excy & Council for consent

NEHEMIAH JEWET Speaker." — *Ibid.*, p. 504.

At the next session the inhabitants of Dartmouth applied to the Legislature, for relief against the operation of this vote. For the proceedings on this petition, and the result, see resolves, 1696-7, chapter 61.

Chap. 36. Although no copy of this address has been discovered, the substance of it may be gathered from the following vote of the House of Representatives containing a list of reasons for sending an agent from New England to coöperate with the acting agents in London:*

* The following vote passed by the House on the nineteenth of October, 1694, was nonconcurrent in by the Council on the twenty-fourth. Although, at the opening of the second session of the next General Court, the Lieutenant-Governor, in his speech, informed the Assembly that Peter Sergeant was shortly to sail for England, and that his "assistance to our agents in the public affairs of this province depending before his majesty might be of advantage" (Council Records, vol. VI., p. 418), and though in the same session the House by vote requested Sergeant to undertake the agency, and desired the Governor and Council to give him instructions accordingly (resolves, 1695-6, chapter 39), it appears that he lacked the authority which this formal vote of appointment if concurred in by both branches would have conferred, and that his commission was an executive act: —

"Whereas there are many things That our agents in England cannot be Informed of by us nor can answer be given by them as may be by an agent sent from among our selves. Voted That there

"That its necessary for us to imploy Agents may appeare from these following particulars.

1 its necessary that Applications be made unto their Majesties the Ministers of state, (and if need be to the Parliament) for the restoration of as many of our Ancient Priviledges as may be obtained. The success of Maj: Winthrop in the behalfe of Connecticut is encouraging

2. We thinke it necessary that all meanes be used to prevent the designs of any Persons to incommode the Province by Charters or any thing interfering with our liberties and Properties.

3. We thinke it needfull to lay before their Majesties the insupportable burden lying upon the Province in maintaining the garrison att Penumaquid. And that their Majesties be addressed to take it into their own Royall care.

4 it may be expedient to represent unto their Majesties the necessity of reducing Canada, and the extream incapacity and calamity wherto the Province is brought by the miscarriage of our former Expedition, and by our present war with the indians which makes us unable to do any thing in that matter.

These with divers other things which might have been mentioned we judge sufficient grounds for us to improve Agents.

And we judge that one from amongst our selves to Joyne wth those in England may be more capable to represent the particulars above mentioned and the true state of the Province to their Majesties than our worthy friends in England, since we are credibly informed that its their advice and desire that we should send one from our selves

20. 7. 1694 voted by the house to be sent in to his Ex^{ty} & Council
NEHEMIAH JEWET speaker." — *Mass.*

Archives, vol. 106, p. 385.

On the twenty-second of September a joint committee, consisting of Messrs. Danforth, Sewall, Foster and Corwin of the Council, and Captain Gardner, Major Townsend, Mr. Denison and Captain Holbrooke of the House, was proposed, — of which, however, only the House members were actually appointed, — "to draw up an adresse or something to present to their maties the same to be layd before this house at the next sessions of this Court."*

At the next session the Council joined Elisha Cooke, Samuel Sewall, John Foster and Nathaniel Thomas to the committee appointed on the part of the House. This was on the twenty-fifth of October, and on the thirtieth, an address was reported by this committee and presented to the Council, when it was "read, and left to a further consideration." On the thirty-first this address was "voted to be fairly transcribed, and signed by the Speaker and the Secretary."

Chap. 37. This chapter is from archives, vol. 48, p. 241. It is recorded in council records, vol. VI., p. 374.

The order in Council for the payment of this allowance is as follows: —

"Nov. 12, 1694. Whereas the Great and General Court or Assembly at their sitting in October last have voted: That Isaac Addington Esq^{re} Secretary of this Province be allowed out of the Publick Treasury the sum of one hundred pounds money for his extraordinary service in this yeare 1694. to the last Wednesday of May, and that the Governour and Council order it accordingly

Pursuant to the said Vote and the Act for granting a Tax of twelve pence a Poll and one penny on the pound for Estates, made and passed at the first Session of s^d Court begun and held upon Wednesday the Thirtieth of May, in the sixth year of their present Maj^{ties} Reign, amongst other things applied to the payment of Salaries and other Grants made by the said Court.

Ordered. That M^r Treasurer do pay unto the said Isaac Addington Secretary the abovementioned sum of one hundred pounds money,
WILLIAM PHIPS." — *Executive Records of the Council, vol. 2, p. 292.*

Besides this grant, Addington, this year, was allowed his account of fees as Secretary, amounting to twenty-nine pounds, for the payment of which the following order was passed: —

"Jan. 31, 1694-5. The Aecompt of Isaac Addington Secretary, of Fees due unto him out of the publick Revenue, amounting to twenty nine pounds, was presented and allowed of. And pursuant to the Act Entituled an Act for reviving and continuing of the Duties upon Goods, Impost, Excise and Tunnage of Shipping, and the Acts for granting of the same amongst other things applied for the defreying of the necessary and contingent charges in and about the support of the Government.

Ordered. That M^r Treasurer do pay unto the s^d Isaac Addington the abovementioned sum of twenty nine pounds.
W^m STOUGHTON." — *Ibid., p. 311.*

The following item in the treasurer's account shows the nature of the services rendered for which the Secretary charged fees: —

be an agent sent from among o^r selves to accompany his Ex^{ty} & to Joyne wth those appointed there who shall be continued in o^r agency twelve monthes after his arrivall there in England w^o shall be furnished with such Instructions as this Court shall think needfull." — *Mass. Archives, vol. 106, p. 386.*

The above is but an amplification of a vote passed by the House at the previous session, which, on the nineteenth of September, was "argued and debated and left to further consideration" by the Council. On the twentieth this vote of the needfulness of an agent was "put to the question in the Council and carried on the negative," and thereupon the representatives moved for a conference, which was held on the twenty-first. The result of this conference was the nonconcurrence of the Council and the approval of the House as above stated.

* *Mass. Archives, vol. 106, p. 385.*

"Paid Isaac Addington Esqr^r se^cry for fees due to be paid out of the Publick revenue according to y^e act of y^e Gener^l Assembly for engroseing acts and ishuing writts for calling of Assemblies & military Comons & Ord^r of y^e Govern^r & Council 29, - - -."

— *Mass. Archives*, vol. 122, p. 39.

Chap. 38. This chapter is from council records, vol. VI., p. 375. It is preserved in archives, vol. 58, p. 149.

On the eleventh of June, 1685, Increase Mather was requested by the corporation "to take special care of the government of the college, and, for that end, to act as president until a further settlement be orderly made." He continued to hold this office, actually or nominally, for sixteen years. After his return from England, upon the termination of his office as agent for the province, Harvard College was newly incorporated by the act of June 27, 1692,* and he was therein expressly nominated and appointed "the first president." That act, however, while it exempted the estates of the president and fellows from all public rates and taxes, "provided they reside and dwell in the college," made no provision for a stated salary to the president, nor any other compensation for his services. In the third session of the same General Court a bill of the following tenor was passed by the House and sent up to the Council, as the subjoined memorandum shows:—

"Be it Enacted by y^e Gouvernor Councill & Representatives in Generall Court Assembled, And by y^e Authority of y^e Same it is Enacted

That there be paid unto y^e Reverend m^r Increase Mather ffor officiating at y^e Colledge this year, out of y^e Publick Treasury, the sum of one hundred pounds in or as Money. And it is desired for y^e ffuture that y^e Presidents Shall be Resident at y^e Colledge.

It is further Enacted by y^e Authority afore Said, that y^e Annuall Rent of y^e Ferry between Boston & Charlestowne formerly Settled, on y^e Said Colledges, be Continued to be paid to the Treasurer of Said Colledge ffor behoofe and maintenance of the Resident Fellows, there according to Determination of y^e Corporation of said Colledge—

Febr: 16:93: This bill orderly read in this House of Representatives And voted passed in y^e Affirmative & sent to his Excellency the Gouvernor and Councill for Consent
WILLIAM BOND Speaker." — *Mass.*

Archives, vol. 58, p. 143.

Though this bill was read in Council on the sixteenth, no further action upon it has been discovered.

The president and fellows of the college having presented to the General Court a petition praying that the principal and accrued interest of a sum of money, bestowed on the college, about fifty years before, by Lady Moulson and others, and lent to the colony, be ordered to be repaid from the province treasury, no action appears to have been taken thereon; but during the same session the House passed the following vote:—

"voted that the President of Harvard Colledge for the time being shall Reside there as hath bin accustomed in times past

Boston Novbr 29th 1693 voted and passed in y^e Affirmative and sent vp to his Excell. the Gouver^r & Council for their Consent & Concurrence NATHAN BYFIELD Speaker

Read in Council Decr 2^d 1693."† — *Ibid.*, p. 145.

Nothing further appears to have been done in the General Court respecting the affairs of the college until the first session of 1694-5. At that session a petition, dated the first of June and signed by two fellows of the college, John Leverett and William Brattle, was presented, praying that a certain legacy bequeathed in England to the college, and received and applied to the use of the colony by President Mather while he was agent, be made good to the college out of the province treasury. Although the allegations in this petition were vouched by Mather in a separate paper in which he added his voice to the prayer of the fellows, no legislative action upon this petition has been discovered.

On the thirty-first of October a vote passed the House, containing a clause granting fifty pounds to Mather but at the same time expressing a desire that the president should reside in Cambridge. The Council concurred in only so much of this vote as granted the fifty pounds. This vote, together with the proceedings relating to it in both branches, is given below:—

"Voted That the Reverend m^r Increase Mather be thanked for his paines & Labr he hath taken the Last year at y^e Colledge in y^e absence of a settled president there & That fifty pounds in money be pd to him by m^r Treasurer of the Province for y^e same & That he be Requested to settle there or Els be serviceable as formly untill the Corporation or this Court shall agree wth some person that they shall call to settle there who will attend s^d Work

octobr. 31^o 1694 past in y^e affirmative by the house of Representatives and sent to his Ex^{cy} & Councill for Consent NHEMIAH JEWET Speaker

Voted, a concurrence in Fifty pounds to be paid unto M^r Mather for his pains and labour at the Colledge the last year. *pro* Nov^r 1694.

ISA^c ADDINGTON Sec^y." — *Ibid.*, p. 149.

The following is the order in Council for the payment of the sum granted:—

"Jan. 3, 1694-5. Whereas the Great and General Court or Assembly at their Sessions upon adjournment in October last voted: That M^r Increase Mather be paid by M^r Treasurer the sum of fifty pounds for his pains and labour at the Colledge the last year.

Pursuant therefore to the Act of the s^d Court made and passed at their Sessions in May last, Entitled An Act for granting unto their Maj^{ty}s a Tax of twelve pence a Poll, and

* Province Laws, 1692-3, chapter 10.

† From the record it does not appear that the above vote received the concurrence of the Council or the consent of the Governor, as President Quincy supposes in his "History of Harvard University," vol. I., pp. 74, 75.

one penny on the pound for Estates, amongst other things applied to the payment of Grants made and to be made by the said Court.

Ordered. That Mr Treasurer do accordingly pay unto the said Mr Increase Mather the abovementioned sum of Fifty pounds. W^m SToughton." — *Executive Records of the Council*, vol. 2, p. 305.

This sum is charged as paid, in the province treasurer's accounts.

Chap. 39. This chapter is from archives, vol. 113, p. 100. It is recorded in council records, vol. VI., p. 376.

The petition on which this chapter was founded is as follows:—

"To his Excel^{ty} S^r W^m Phipps Kn^t Govern^r &c. To The Hon^{ble} Their Maj^{ties} Council and House of Representatives, Convein'd in Generall Court.

The Humble Address, of sundrie Inhabitants of The Towne of Marblehead, in behalfe of Them selves, and s^d Towne.

Most humbly Offer

That whereas by the Late Additionall Tax, is unduely Laide on our poore distressed Towne, The sume of one hundred, Eightie, Three poundes, And Tenn shillings. The Extreame Povertie of which and disabilitie To paye s^d sume, is very demonstrable to any That will please to Consider, The smaleness of The whole Tract of Land, The great Losses sustained in fishery This Last summer, and The Great Number of Polles Imprest for Their Maj^{ties} service, and otherwise drawne of in Marchant Voyages; Wee cannot Rationable bee Judged proportionable to any of our Neighbours, Esspetially Those wee derived from; Notwithstandeing which great Tax, wee are farther Threatened, by The officers of The Impost office, and Required To paye, six pence 4^d Tunn, for all our fisheing Open Boates, By Vertue of a Late Act, (for Continuation of Impost and Excise) soe often as They goe To sea, which is Euery day, (if The Weather permitt), which would amount To a Vast sn^{me}, Euen To The vtter Distruction of fisheing, which wee humbly Conceine is not The Least Manifactorie of This province, and is Diametricall Contrarie To Their Most Gracious Maj^{ties} Will and pleasure, in The Later End of Their Royall Charter.

The s^d Open Boates are never built by The Tunn, nor can wee finde any Rule to Tunnage open Boates, which with vs are a Considerable part of our Estates, and That indeed on which all The Rest depend, as well for a Livelyhood, as for wherewith To paye such Taxes, as are Laide on us,

Your Petition^{rs} Therefor most humbly praye an abatem^t of the s^d additionall Tax and Exemption from the s^d unreasonable Tunnage since our Boates are otherwise Rateable, with other Estates

And your Petition^{rs} shall as in duty bound &c.

AMBROS GALE: SR:

WILLAM WOODS

ELIES HENLEY: SR

EADWARD HOLMAN SR

ERASMUS JAMES

RICHARD SKINNER

ROBART BARTLETT

ELEAZER INGOLLS

JOHN HOOPER

JOHN MERRETT

JOHN LEGG

NATH^{ll} NORDEN

JOHN BROWNE

JOHN STASEY

NICHOLAS ANDEROS." — *Mass.*

Archives, vol. 113, p. 100.

That this vote, with its preamble, was constructed by the Secretary from the following vote which was passed by the House on the twenty-fifth of October is probable, since no change appears to have been made therein by the Council:—

"Voted that the s^d fishing boates are in the Law Included & ought to pay as other Rateable Estate & noe other way." — *Ibid.*

Chap. 40. This chapter is from archives, vol. 100, p. 514. It is recorded in council records, vol. VI., p. 377.

The following is the petition upon which this chapter is founded:—

"To his Ex^{ty} S^r William Phips Kn^t Capt General and Governour in chief in and over their Maj^{ties} Province of the Massachusetts Bay in New England, the Hon^{ble} Council, and Representatives in General Court assembled

The Petition of Nathan^{ll} Ware of Wrentham

Humbly sheweth

That your Petitioner being Constable of the s^d Town of Wrentham in the year 1691. was at a very considerable charge for the transportation of one hundred seventy six bushells and a halfe of Grain from the s^d Town of Wrentham to the Treasurers office in Boston, for which he hath not yet been allowed any thing by the Treasurer, and by reason thereof is incapable to make up his accompts with the present Treasurer for such sum of the arrears of Rates as was committed to him to Collect.

Your Petitioner therefore prays this Hon^{ble} Court That he may be allowed the sum of ten pence in money 4^d bushell for transportation of the s^d Corn as afores^d it being the usual price allowed in like Cases. and that the Treasurer be directed to make up accompts with him accordingly—

And your Petitioner shall ever pray &c

NATHANEL WARE." — *Mass.*

Archives, vol. 100, p. 514.

Chap. 41. This chapter is from archives, vol. 100, p. 515. It is recorded in council records, vol. VI., p. 377.

Chap. 42. This chapter is from council records, vol. VI., p. 377. It is preserved in archives, vol. 48, p. 231.

This vote was passed by the House March 3, 1693–4. It was "reassumed" this session, and passed, in concurrence, November 3, 1694. Whether this delay was owing to a claim on the part of the representatives that it was their privilege to reward their own officers

without the concurrence of the Council, or was due to some opposition in the Council, some inadvertence, or other cause, does not appear. The month of May referred to in the original vote was in 1694; but the vote having passed without alteration, in November of that year, the reference to "May next" is misleading, inasmuch as it seems to mean May, 1695.

The following is the order in Council for the payment of the sum allowed in this chapter:—

"Jan. 3, 1694-5. Whereas the Great and General Court or Assembly at their Session upon adjournment in October last, voted that Mr Ebenezer Prout be allowed and paid out of the publick Treasury of this Province the sum of Ten pounds in full for his service as Clerk of the house of Representatives, he recording the several Votes, Minutes, and Acts of that House till May next, fair in the Bookes.

Pursuant therefore to the Act Entitled an Act for granting unto their Majtys a Tax of twelve pence a Poll and one penny on the pound for Estates; amongst other things applied to the payment of Grants made & to be made by the sd Court.

Ordered. That Mr Treasurer do accordingly pay unto the said Ebenezer Prout the abovementioned sum of ten pounds.

WM STOUGHTON." — *Executive Records of the Council*, vol. 2, p. 306.

For a further account of the compensation made to Prout for his services as clerk see resolves, 1699-1700, chapter 23, and note.

Chap. 43. This chapter is from council records, vol. VI., p. 377. It is preserved in archives, vol. 70, p. 232.

The following is the petition upon which this chapter is founded:—

"To his Excellency y^e Governour & Council and y^e honourall Court.—

The Petition of William Tomson, Most humbly sheweth

That whereas your Petitioner was prest by Majr Swain, in y^e Province of Main to attend their Majties Service in y^e Warrs against y^e Common enemy and remained twelwe months in y^t Service under y^e Comand of Majr Church Genl and Sydrick Walton Capt in which service your poor petition^r was wounded, having his Thigh-Bone miserably Broke, of which wound he is not yet recovered but is now under y^e Chirurgeons hands in Boston

These are therefore humbly to intreat yor Excellency and this Honor^l Court, that I may have Consideration for y^e loss of my Limb as afores^d and may have some competent allowance aforded me as to yor Excellency and this Honor^l Court shall seem meet and yor Petitioner shall (as in duty bound) Ever pray for yor Excellency &c." — *Mass. Archives*, vol. 70, p. 232.

As will be seen by the following proceedings, the representatives voted him twenty pounds, but the Council reduced the grant to ten pounds:—

"upon Reading the above Petition of Wm Tomson, voted that there be pd the sum of twenty Pounds out of the Publick Treasury to Mr Tim^o Thornton to husband it for s^d Tomson that he may be cloathed & his Cure be effected. past in the affirmative by the house of Representatives & sent up to his Ex^{cy} & Council for consent

30^o 9^{br} 1694/ The Council voted their concurrence for Ten pounds to be pd as above.
NEHEMIAH JEWET speaker
ISA ADDINGTON Secy." — *Ibid.*

The following is the order in Council for the payment of the money thus granted:—

"Jan. 31, 1694-5. Whereas the Great and General Court or Assembly at their Session upon adjournment in October last voted: that ten pounds be paid out of the publick Treasury into the hands of Mr Timothy Thornton to be by him employed to the use of William Thompson, who was wounded in their Majties service towards cloathing of him and his cure.

Ordered: That Mr Treasurer, pursuant to the Act Entitled an Act for granting unto their Majtys a Tax of twelve pence a Poll, and one penny on the pound for Estates, amongst other things applied to the payment of Grants made or to be made by s^d Court, do pay unto the said Timothy Thornton to the use abovementioned, the above sum of Ten pounds.

WM STOUGHTON." — *Executive Records of the Council*, vol. 2, p. 311.

Chap. 44. For the appointment of Emmes, see note ** on page 30, *ante*. The first concurrent vote for the payment of Emmes that has been discovered is that which constitutes chapter 61, *post*; *q. v.*

The sum ordered to be paid in the present chapter was in full for Emmes's services to the end of the third session.

The province treasurer's accounts show that this amount was duly paid.*

Chap. 48. This chapter is from archives, vol. 101, p. 21. It is recorded in council records, vol. VI., p. 385.

The order which constitutes this chapter was passed on the following petition:—

"To the Honrd their Majties Great and Generall Court of the Province of the Massachusetts Bay in New England Now sitting in Boston by adjournment March 5th 1694/5 —

The Petition of David Morgan as Constable for Springfield in y^e Yeare 1691 For Gathering the Twenty Corne Country rates in y^t yeare —

Humbly Sheweth That Yor Petition^r in the aforesaid yeare, gathered in the greatest part of the afores^d Twenty corne rates, in corne and housed ye same, and in ord^r to y^e transportation of y^e same to Boston, made Seven or Eight Journeys to Hartford, and two more journys to Boston (besides this p^{re}sent one) before he Could Gett freight for its Trans-

* *Mass. Archives*, vol. 122, p. 39.

portation hither, Soe that the greatest part of sd corne lay Two yeares, & some of it three yeares upon his hand before it was brought into y^e publick Treasury of this province, dūring w^{ch} time his Expences and Labour about its preservacon and Transportation hath been very great besides the Loss & wastage upon said corne, w^{ch} yo^r petition^r hath Sustained alone. That this last Summ^r The p^{re}sēt Treasurer sent up his writt to the sherriff of o^r County for getting in the Remainder of said Rates in money, abateing one third part upon y^e sd Corne rate Butt in as much as yo^r Petition^r had not then wherewithall to answer y^e same. The sherriffe seized upon his houseing & Land for satisfaction of y^e remainder of sd Rates.

Now Forasmuch as yo^r Petition^r is a poore man & hath Spent a great deale of time and moneys in y^e premisses he therefore humbly prayes that this H^{igh} & Hon^{ble} Court will please to take y^e premisses into consideracon, soe as that the wastage of sd Corne and his Expences in Transporting the same hither may be allowed him, and that he may have Liberty to pay in the remainder of sd rates according as they were ordered him by warrant to be collected vizt in corne and not in mony otherwise yo^r Petition^r will be an extreame Sufferer, and that on payment thereof his houseing & Land may be released from said seizure

And Yo^r Petition^r as in duty bound Shall ever pray &c

DAVID MORGAN." — *Mass.*

Archives, vol. 101, p. 20.

Accompanying this petition was the following account: —

"David Morgan of Springfield his Accompt of Graine w^{ch} he Gathered in of the twenty Country corne rates comitted to him to collect in and for y^e year 1691, & by him Since Transported to Boston — vizt

| | |
|--|-----------------|
| 895 bush 1 peck of pease att 4 ^s p ^{er} bush | £179 .. 1 .. - |
| 306 bush 1 peck of Indian Corne att 3/ p ^{er} bush | £.45 .. 18 .. 9 |
| 12 bush 2 pecks of wheate — att 4/ 6 ^d p ^{er} bush | £. 2 .. 16 .. 3 |
| | £227 - 16. - |

| | |
|---|------------|
| paid charges of Transportation of y ^e afores ^d graine from Springfield to Hartford att two severall Times | £ 50. 10 - |
| | 278. 6 - |

| | |
|--|---|
| y ^e 224. bushels Indian is but 208 y ^e rest being deducted at Har- ford & y ^t Corn was sold at 18 ^d p ^{er} bush ^{ll} & 6 ^d bush ^{ll} p ^d for fre ^t & 10/ Storehouse soe y ^t sd Morgan has Cred ^{tt} for . . . 11 .. 3 2 | 213. bush ^{lls} Indian 11. ditto |
| 79. bush ^{ll} peas sold for w ⁿ all Charges deducted y ^e 5 bush ^{ll} wheat being deducted at har- ford for Storehouse | 224. at. 2/ 22 .. 8 .. - 81 bush ^{ll} at 2/ 8 ^d 10 .. 18 .. 6 p ^d 10 ^d bush ^{ll} for carrage to har- ford 10 ^d pay is 6 ^d money . . . 07 .. 12 .. 6 5. bush ^{ll} wheat at 2/ 10 ^d . . . 0 .. 14 .. - 10 ^d p ^{er} bush ^{ll} for carrage in money at 6 ^d 0 .. 2 .. 6 |
| | 21. 0. 8 |
| | 41 .. 15 .. 6 |

to Ball. w^{ch} sd Morgan is a sufferer 20. 14. 10

41. 15. 6." — *Ibid.*, p. 22.

See, further, resolves, 1696–7, chapter 29.

Chap. 49. This chapter is from archives, vol. 101, p. 35. It is recorded in council records, vol. VI., p. 385.

Chap. 51. This chapter is from archives, vol. 101, p. 36. It is recorded in council records, vol. VI., p. 388.

Chap. 52. This chapter is from council records, vol. VI., p. 390. It is preserved in archives, vol. 100, p. 460.

The following is Stoughton's petition for reimbursement: —

"To his Ex^{cy} S^r William Phips K^{nt} Cap^t Gen^{ll} and Gov^r in Chief in & over their Maj^{ties} Province of the Massachusetts Bay in New England, the Hon^{ble} Couneil, and Representatives now sitting in General Court at Boston

The Petition of William Stoughton Esq^r

Humbly Sheweth

That in the time of his late Agency in England with Mr Peter Bulkley in the service of the late Governour & Comp^a of the Massachusetts Bay. he and the s^d Mr Bulkley were necessitated to take up two hundred pounds sterling of Major Robert Thompson for the service of y^e Countrey. and for the same he and Mr Bulkley became bound jointly and severally to the s^d Thompson, w^{ch} sum remaining unpaid, upon their return hither the General Court accepted & allowed their borrowing of the same. and in sometime ordered the repaym^t of the principal and Interest due. of which the one halfe was paid into the hands of yo^r Petition^r who accordingly made return thereof to the s^d Major Thompson, But the other halfe which was paid to Mr Bulkley was never by him returned. so that after his decease Major Thompson demanded it of your Petitioner, who having no remedy (the s^d Gov^r & Comp^a being dissolved) did pay the same to the value of one hundred and Forty pounds & upwards all out of his own proper money Save that since the payment thereof he hath received Twelve pounds from the admin^{rs} of Mr Bulkleys Estate, being insolvent, And if any more can be obtained from the s^d Estate. he is willing to be accomptable for the same —

Wherefore he humbly prayeth That the premisses being considered, this Honble Court will please to order him what is remaining due to him as above said. or such considerable part thereof as they shall think meet —

And your Petitioner as in duty bound shall ever pray &c^a.” — *Mass. Archives, vol. 100, p. 459.*

This petition was read in Council December 9, 1693, and the following order was passed thereon:—

“Ordered that the Petr be paid out of their Majties Treasury, the Sum of one hundred pounds towards the sd Loss, and sent down to the house of Representatives for their concurrence.” — *Ibid.*

The House concurred in this order on the fifteenth of March, 1694-5, and the same day passed a new order as follows:—

“Voted and Ordered that the Petiti^{or} be paid out of Their majties Treasury, the sum of one hundred pounds to wards the sd loss, and sent up Coneuring wth th^e hon^r Council in their form^r vote.” — *Ibid., p. 460.*

In this latter vote the Council immediately concurred, and to it the Lieutenant-Governor signified his consent. These votes the Secretary combined, adding the preamble, when he entered this chapter of record.

The following is the order in Council for the payment of this grant:—

“Apr. 18, 1695. Pursuant to a vote of the General Assembly that there be paid unto the Honble William Stoughton Esq^r the sum of one hundred pounds out of the publick Treasury in consideration of one hundred and forty pounds by him advanced of his own money for moneys in England expended in the time of his Agency for the service of the late Massachusetts Colony. — And the Act entituled An Act for granting unto their Majties a Tax of twelve pence a Poll and one penny on the pound for Estates, passed in May Session 1694. Amongst other things applied to the discharging of the publick debts.

Ordered: That Mr Treasurer do pay unto Mr Tho^s Cooper on behalfe and for accompt of the sd W^m Stoughton Esq^r the abovementioud sum of one hundred pounds.

W^m STOUGHTON.” — *Exec-*

utive Records of the Council, vol. 2, p. 323.

September 16, 1676, Stoughton and Bulkley were appointed by the Governor and General Court of Massachusetts, “messengers for England to present our defence in reference to the claims of Mr. Gorges and Mr. Mason.” Their commissions, orders, and instructions, were signed the next month, and they were directed to “take the first opportunity to embark . . . for London.” On the fourth of February, 1679-80, they having returned from this mission, the General Court passed the following order:—

“Feb. 4, 1679-80. This Court, hauing duely considered of the long & faithfull service of our honored agents, W^m Staughton & Peeter Bulkley, Esqs, who haue binn employed in England vpon the affaires of the country, &, through the favour of God, are now returnd, doe wth all thankfulness acknowledge their paines & care in & about the same, and, as a manifestation of our acceptance thereof, doe heereby order and appoint the Treasurer of the country to pay to each of them one hundred and fity pounds, in money, out of the publick treasury, as an addition to what bath binn already granted to them by this Court, as a smale retribution for such their seruice, & an expression of our good affection to them, desiring they will please to accept of the same; and this to be understood of a personall gratuity, wthout respect to what hath binn expended in the prosecution of those matters they haue binn employed in & about.” — *Mass. Colony Records, vol. V., p. 263.*

No vote of the General Court in regard to their transactions with Major Thompson has been discovered.

Chap. 53. This chapter is from council records, vol. VI., p. 390. It has not been found in the archives.

The allowances made by the Treasurer, from time to time, which were ratified by this chapter were made under the following general order in Council:—

“Sept. 20, 1694. Pursuant to the Act made and passed by the Great and General Court or Assembly, in the fifth year of their present M^{aj}ties Reign, Entituled an Act for encouraging the killing of Wolves, wherein amongst other things, it is Enacted: that all sum and summs of money paid out of any Town Stock for the killing of Wolves, the same being made to appear, shall be allowed unto such Town by the General Treasurer of the Province out of the publick Revenue.

Ordered. That Mr Treasurer do from time to time allow out of the publick Revenue, unto the several Town's all such sum and su^ms of money as shall be paid out of their Town Stock respectively for the killing of Wolves according to the Rates in said Act set down, the same being certified under the hand of the Major part of the Selectmen of such Town and Town Treasurer, if any there be.

WILLIAM PHIPS.” — *Executive Records of the Council, vol. 2, p. 283.*

These allowances were authorized by the act of 1693, chapter 6; and simultaneously with the passage of this chapter, another act† was passed amending the former statute by prescribing the form of certificate to be given to the Treasurer by the selectmen, etc., — a precaution which had been omitted.

Chap. 54. This chapter is from council records, vol. VI., p. 390. It has not been found in the archives.

Chap. 55. This chapter is from council records, vol. VI., p. 391, and neither the original order nor the account therein referred to has been found in the archives.

* *Sic.*

† Province Laws, 1694-5, chapter 26.

Chap. 56. This chapter is from council records, vol. VI., p. 391, and archives, vol. 40, p. 313. See resolves, 1693-4, chapter 8, and note.

On the first of January, 1694-5, Ray made the following return of prisoners in Boston jail:—

“The Names of the Prisoners now In my Custody this 1st Jan’y 1694
Robert Sherwood for Piracy
Hannah Newell —(lately brought forth A Child now wth her) for Adultery
Susannah Lawrance for felonye
John Carter for Deserting his Call^s
John Woodman for absenting himself from his Mast^rs service
Shipscott John An Indian Hostage & his Two sons —
Will — an Indian bro^t from Dedham upon Suspition of an Enemy
Keeper of their Majesty’s Goal In Boston
CALEB RAY.”—*Mass. Archives, vol. 40, p. 312.*

The following is the account mentioned in this chapter:—

“Province of y^e Massachusetts
Bay in New-Engld./ss.

BOSTON IN NEW ENGLAND 1693—

To the Hon^{ble} William Stoughton Esq^r Lt Gov^r & the rest of their Majties Council And
To the hono^{ble} Representatives convened in generally Assembly

| | | | £ | ss | d |
|---|-------------------|--|-----|-----|----|
| | — | Accompt from Caleb Ray (Keeper of their Majties Prison In Boston) his Disbursments from y ^e 2 ^d of may viz ^t — | | | |
| × Executed | — | To keeping negro Grace from y ^e 2 ^d of May 1693: to June y ^e 8 th following, whom I Rec ^d of John Arnold and is 5 weeks 2 days at 2/ 6 ^d p ^r week. | - | 13 | .2 |
| Executed | — | To keeping Elizabeth Emmerson from y ^e 4 th of may to ditto 8 th . of June the time of her Execution Is 5 weeks at 2/ 6 | - | 12 | .6 |
| × July | 25 | Robert Sherwood was Committed by Jno Foster Esq ^r & Continues still In Prison to this first of March 1694/5 which makes 83 weeks at 2/ 6 ^d p ^r week | 10 | .7 | .6 |
| October | 12 | Thomas Jones was Committed & was Cleered by his Excellency y ^e Gouverno ^r s order the 16 th day of nouember 1694: makes 57 weeks at 2/ 6 ^d p ^r week | .7 | .2 | .6 |
| × December Executed | 30 | Then Indian Zachary was Committed & Continued to y ^e 7 th day of June 1694: and was then Executed makes 23 weeks at 2/ 6 | .2 | 17 | .6 |
| 1694 July | .7 | Bartholomew Bergerian frenchman was Committed and was Cleered y ^e 5 th of September following Is 8 weeks 3 days at 2/ 6 ^d p ^r week | .1 | .1 | - |
| August | .4 | To keeping y ^e 2 Indian Hostages Sheepcot John and Aissett Committed to Prison by order of Councill. from this Day to y ^e 10 th . of December, then Aissett & Bombazin were ordered by the Councill to goe to y ^e Eastward makes 18 weeks 1 day at 2/ 6 ^d p ^r week | .4 | .10 | .8 |
| October | .5 | Then Bertho Bergerian frenchman was again Comitted & Cleered by his Excellency’s order y ^e 15 th of nouember Is 5 weeks 6 Days at 2/ 6 ^d p ^r week | - | 14 | .8 |
| × Nouember | 5 | William Sims y ^t Belonged to y ^e Galley was Committed by Cap ^t Mould, and Cleered by said Cap ^t Mould y ^e 17 th ditto Is 1 week 5 days at 2/ 6 ^d p ^r week | - | .4 | .3 |
| | y ^e 28 | Bombazin & Sheepcott John his 2 sons were Committed by a Verball order from y ^e L ^t Gouverno ^r & Councill and continued to y ^e 10 th of December Is 13 days Each, y ^e s ^d Bombazin was sent away | - | 13 | .9 |
| December | 10 | To keeping Sheepcott John his 2 sons from this day to y ^e first of March 1694/5 Is 11 weeks 4 days. at 2/ 6 ^d p ^r week | -2 | .17 | 10 |
| | ditto | To keeping Sheepcott John from the 10 th . December to the 8 th of february makes 18 weeks 3 days at 2/ 6 ^d p ^r week | -1 | .1 | - |
| 1694/5 febr’y | 14 | Then Aissett returned & was Committed by order of Isa Addington Esq ^r makes 14 days to y ^e first of March 1694/5 | - | 4 | 11 |
| | 16 | Then Bombazin returned and was Committed by order makes 12 Days to y ^e first of march 1694/5 | - | .4 | .3 |
| Boston y ^e first March 1694/5 p ^r Mee CALEB RAY.”— <i>Ibid.</i> , p. 313. | | | £33 | .5 | .6 |

The difference between the sum claimed and the amount allowed is owing to the striking out of the items to which an X is prefixed.

It will be seen by the following order in Council that the amount paid by the Treasurer was according to the record and not according to the original vote :—

“June 18, 1695. Pursuant to a vote of the General Assembly sitting at Boston in March last, allowing the payment of nineteen pounds one shilling and three pence unto Caleb Ray keeper of His Majty's Prison in Boston upon his accompt presented of charges in keeping of the Indian Hostages and other Indian Prisoners &c^a to be paid out of the publick Treasury. And pursuant to the Act passed at the Session of the Gen^l Assembly in May 1694. For granting a Tax of twelve pence a Poll and one penny on the pound for Estates, amongst other things applied to the answering of the contingent charges of this Government.

Ordered: That Mr Treasurer do pay unto the s^d Caleb Ray, the abovementioned sum of nineteen pounds one shilling and three pence
WM STOUGHTON.” — *Executive Records of the Council*, vol. 2, p. 337.

By the above it appears that the amount entered by the Secretary was correct, and that in the original vote the numbers of the shillings and pence were transposed, probably through inadvertence.

At the July term of the Inferior Court of Common Pleas for Suffolk, John Arnold, Ray's predecessor, brought suit against him for money had and received, in August, 1693, to the use of Arnold. This was the amount of fees paid by “John Winslow of Boston, for Mary Watkins and Susannah Davis, for their prison fees,” and “due to the plaintiff when he was keeper,” as he alleged. Arnold recovered judgment in this action, for £3 15s. and costs of suit taxed at £2 0s. 6d. Among the papers on file in this case is Arnold's account for keeping the women above named until May 2, 1693. This, it will be observed, is the date of the commencement of Ray's account. Hence it is pretty certain that that was the date of Arnold's discharge, as stated in the note to resolves, 1693-4, chapter 8.

Chap. 57. This chapter is from archives, vol. 48, p. 249. It is recorded in council records, vol. VI., p. 391.

No record of Maxwell's appointment nor copy of his commission has been discovered. It is clear, however, that he was paid for his service from June 14, 1692,* and that on the fifth of September, that year, his salary was fixed at the rate of fifteen pounds per annum by the following order in Council :—

“Sept. 5, 1692. Ordered. That Mr Treasurer pay James Maxwell door keeper and Messenger, for his attendance on the Council & the General Assembly the sum of fiftene pounds ψ annum.
WILLIAM PHIPS.” — *Executive Records of the Council*, vol. 2, p. 193.

Until the appointment of Henry Emmes as messenger to the representatives,† Maxwell appears to have been doorkeeper and messenger to both branches of the Legislature. In 1693 he addressed the following petition to the whole General Court or Assembly, for an increase of pay, and for exemption from watchings and trainings :—

“To his Excellency Sr William Phips Kn^t the Hon^{ble} council and Representatives convened in Gen^l Assembly

The Humble Petion of James Maxwell
humbly sheweth

That yor Petitioner hath now bin in your Excellency's & Hon^{rs} service the space of one yeare, for which he hath bin allowed about fifteen pounds, and is yet further willing to attend said service to his uttermost and hopes it may be to yor hon^{rs} satisfaction bnt finding the worke hard, and that it wholly takes him off from his other inploynt weh through Gods blessing yeilded him a comfortable maintenances and finding his salary not sufficient to maintaine himselfe and family

Doth humbly co^mend the case to yor Excellency and Hon^{rs} consideration, requesting that there may be an augmentation of his sallery, for his incouragment to perfo^r the said service with chearfullness & that you would please to adde that further that he may be dismissed from ordinary traineings and watchings. and your Petiti^or shall as in duty bound ever pray &c.” — *Mass. Archives*, vol. 48, p. 220.

The Council appear to have assumed exclusive authority to act on this petition, and accordingly they passed the following vote doubling his pay :—

“June 14, 1693. Voted by the Council, That James Maxwell Door Keeper, and Messenger be hereafter allowed for his Service, and Attendance upon the General Court, and the Council at their Several Meetings the Sum of Thirty Pounds ψ annum

WILLIAM PHIPS.” — *Council Records*, vol. VI., p. 289.

This was one of the grievances complained of by the House that year. See resolves 1693-4, chapter 9.

No executive records of the Council are known to exist between June 6 and 26, 1693, and May 28 and July 5, 1694, in which period would be entered the orders for paying the messenger for his past services; but the province treasurer's accounts show that he was paid fifteen pounds June 6, 1693, thirty pounds for services from June 14, 1693 to June 14, 1694, and fifteen pounds from the last date to January 15, 1694-5. For this last payment the following is the executive order :—

“Dec. 5, 1694. Pursuant to an Act of the General Assembly: For the reviving and continuing of the Duties upon Goods, Impost Excise and Tunnage of Shipping, and the Acts for granting of the same, amongst other things applied to the defreying of the necessary and contingent charges in and about the support of the Government.

* *Mass. Archives*, vol. 122, pp. 11 and 26.

† *Ante*, p. 30, note **.

Ordered: That Mr Treasurer do pay unto James Maxwell Door keeper and Messenger to the Council, the sum of Fifteene pounds for his service from the Fifteenth day of June past, unto the Fifteenth day of January next. W^m STOUGHTON." — *Executive Records of the Council*, vol. 2, p. 297.

For the remaining half of his pay for this year's service the Council made the following order:—

"July 18, 1695. Pursuant to a vote of the General Assembly at their Session the 27th of February last, that James Maxwell Doorkeeper and Messenger be paid out of the Publick Treasury after the Rate of thirty pounds *per* annum for his service in attending the Governour and Council this year; and the Act Entituled an Act for granting a Tax upon Polls and Estates made at the Sessions in May last, amongst other things applied to the support of the Govern^t and answering of the incident and contingent charges in and about the same.

Ordered. That Mr Treasurer do pay unto the s^d James Maxwell the sum of fifteen pounds which (with the like sum formerly ordered him) do's compleat his allowance and payment for his yeares service ending the fifteenth day of June past.

W^m STOUGHTON." — *Ibid.*, p. 346.

This sum is duly charged in the province treasurer's account.

Chap. 58. This chapter is from archives, vol. 48, p. 251. It is recorded in council records, vol. VI., p. 392.

The allowance to Prout of ten pounds, by chapter 42, *ante*, was for his services for the year 1693-4. The present chapter was passed to fix his compensation for this year.

He was succeeded by Henry Dering in 1695, and hence, in the subjoined executive order, he is called "late clerk," etc.:—

"July 4, 1695. Pursuant to a vote of the General Assembly at the Sessions thereof on the 27th of February last, and the late Act for granting a Tax on Polls and Estates, amongst other things applied to the support of the Government and for answering the incident and contingent charges in and about the same, and for payment of such Grants and allowances as have been or shall be made and ordered by the General Assembly.

Ordered: That Mr Treasurer do pay unto Mr Ebenezer Prout late Clerk of the House of Representatives, the sum of nine pounds fourteen shillings for his service as afores^d during the Session and Sessions of the General Assembly in the yeare 1694.

W^m STOUGHTON." — *Executive Records of the Council*, vol. 2, p. 342.

This amount was paid to him, as appears by the province treasurer's accounts.*

The whole number of days on which the House assembled during the former sessions of the General Court this year was sixty-seven; but on the fourth of June the Court immediately adjourned as soon as a vote could be taken, and there were other days in which the Court sat for only part of the day. The number of days for which Prout was paid was sixty-four and two-thirds, by which it may be inferred that proportionable deductions were made for broken days.

Chap. 59. This chapter is from council records, vol. VI., p. 392. It is preserved in archives, vol. 11, p. 90.

The first fast observed after the arrival of the charter was on the twenty-sixth of May, 1692; but the "bill" upon which the proclamation was founded was passed by the Legislature during the inter-charter period; *i.e.*, on the sixth of May. It is recorded as follows:—

"May 6, 1692. A Bill was drawn up, and passed for a General Fast to be Kept, upon Thursday the Twenty Sixth of May Currant, and all Servile Labour on Said Day inhibited." — *Council Records*, vol. VI., p. 217.

This fast is not mentioned by Sewall; but Hale, in his "Modest Enquiry into the Nature of Witchcraft," thus alludes to it:—

"Soon after this [the examination of Tituba, March 1, 1691-2], there were two or three private Fasts at the Minister's House, one of which was kept by sundry Neighbour Ministers, and after this, another in Publick at the *Village*, and several days afterwards of publick Humiliation, during these molestations, not only there, but in other Congregations for them. And one General Fast by Order of the General Court, observed throughout the Colony to seek the Lord that he would rebuke Satan, and be a light unto his people in this day of darkness." — *Pp. 25 and 26*. See, also, Hutchinson's Hist. Mass., ed. 1767, vol. 2, p. 25.

The only other fast, between May, 1692, and the date of this chapter, was by proclamation issued upon the following order of the Governor and Council without the concurrence of the representatives:—

"Dec. 20, 1692. An order was drawn up and agreed to for a publick Fast to be kept in the several Towns throughout this Province where the Order shall come seasonably to give notice thereof upon Thursday the twenty ninth of December currant and in such other Townes where it shall not reach soon enough, upon the Thursday following.

WILLIAM PHIPS." — *Executive Records of the Council*, vol. 2, p. 211.

Chap. 60. This chapter is from council records, vol. VI., p. 392. It is preserved in archives, vol. 11, p. 90.

The text of this sermon was Hosca, i. 7. It was printed in sixty pages, 16mo, at Boston, in 1695, under the title "Man's Extremity, God's Opportunity." There is a copy in the library of the Massachusetts Historical Society.

* Mass. Archives, vol. 122, p. 63.

Chap. 61. This chapter is from archives, vol. 48, p. 250. It is recorded in council records, vol. VI., p. 392. See chapter 44, *ante*, and note.

The Secretary recorded the vote as follows:—

“March 16, 1694-5. Voted in Concurrence to a Bill from the Representatives, That Henry Eames messenger of the House, to be paid out of the Public Treasury Thirty shillings, and four pence for Travailing Fees &c together with three shillings *⁊ Diem* for attending the House during this Session.”

The whole sum granted and paid is shown in the following order in Council:—

“April 10, 1695. Pursuant to a vote of the General Assembly passed at their Session begun the 27th day of February last. That there be paid out of the publick Treasury unto Henry Eames Messenger of the House of Representatives thirty shillings and four pence for travelling, Fees &c together with three shillings *⁊ diem* for attending the house during that Session which held for the space of sixteen dayes, that the Court sat, which allowance is agreeable to an Act Entituled: An Act for ascertaining the Fees of the Messenger attending the house of Representatives.

Ordered, That Mr Treasurer do pay unto the said Henry Eames the sum of Three pounds, eighteen shillings & four pence.

W^m STOUGHTON.”—*Executive Records of the Council*, vol. 2, p. 320.

Deducting the £1 10s. 4d., travelling expenses, from the whole payment, leaves £2 8s.; which is pay for sixteen days’ service at three shillings per day. This is exactly the number of days, excluding Sundays, of the last, or fourth, session.

The amount was duly paid and is charged in the province treasurer’s accounts.*

Chap. 62. This chapter is from archives, vol. 2, p. 229.

On the fifteenth of September, 1694, the French and Indian enemy, who, from the north, east, and west, had been committing ravages almost to the gates of Boston, attacked Deerfield, on their return to Canada by the western route which the treaty of neutrality connived at by Governor Fletcher had left unobstructed for their safe retreat. They were repulsed by the garrison there under command of Captain Converse.† Attention being thus again called to the importance of securing this frontier post, Governor Phips, before his departure for England, applied to the Governor and Council of Connecticut for a detail of militia to reenforce the garrison there. No reply having been received to this letter, which appears to have miscarried, Lieutenant-Governor Stoughton renewed this application, as follows:—

“Boston, Decembr 12th 1694

Honrd S^{rs}

You cannot be unsensible of the heavy burden lying upon their Maj^{ties} Subjects of this Province for the defence thereof and prosecution of the common Enemy french and Indians, and the large extent of the Frontiers and out posts within y^e same, the securing of which; besides the necessary assistances afforded unto our neighbours and fellow Subjects of New-Hampshire (who else are in danger of being swallowed up) has contract^d a vast charge; and y^{or} Selves are sharers in the benefit of the same, by keeping the Enemy from annoying of y^{or} Towns; especially by maintaining the Post at Deerfield; which is no little Security to y^{or} Colony. His Ex^{cy}. in his Letter unto you some short time before his departure laid the consideration thereof before you; moveing to have y^{or} assistance in this common Interest; But no answer being given to that Letter y^t has come to the knowledge of my Selve or Council, I do with their advice refresh that motion upon you In particular that you would releive our Garrison at Deerfield, by posting Forty or Fifty fresh men there sometime in January next at the charge of y^{or} Colony, to continue for y^e Space of Six months following if occasion be; y^{or} Simpathy, and former readiness to contribute y^{or} help Encourages to hope of y^{or} willing Compliance to this reasonable proposal; desiring y^{or} Speedy Answer thereunto; heartily Praying for the continuance of y^{or} quiet, and a good Issue of all our troubles in Gods time I am with all due Respects.

S^{rs} y^{or} affectionate Friend

and Humble Servant.

W: STOUGHTON

To the Gov^r & Council of Connecticut Colony.”—*Mass. Archives*, vol. 2, p. 226.

Two days later, Stoughton wrote to Colonel Pynchon informing him of the above application to Connecticut. No copy of this letter has been found in the archives, but the contents are shown, substantially, in the letter which follows, from Stoughton to Pynchon, dated January 12, 1694-5.

In reply to the above appeal to Connecticut the following letter was received containing the information that that Colony would send thirty-two men for two months:—

“Hartford Janry 3^d 1694./

Hon^{ble} S^{rs}/

Your letter of the 12th of Decemb^r last past by our Gour^t hath been p^rsented in Councill & y^{or} desire of our Assistance to releive your Garrison at Deerfield hath been seriously Considered, & as we have been allwayes ready to do, so still we shall not be waiting according to our ability to do our duty when we are called to it, but as yet we have heard nothing from our neighbours above, And Sr W^m Phipps lett^r you mention we suppose it miscarried, yet we have now agreed to lend the Assistance off thirty two men for the space of two months or till a bout the latter end of March Or when the winter breaks up, then to call them home, provided there be allowed by you necessary prouission for our sonldiers during the time they shall continue in your prouince and in their March out and home. Gent^{le} you know your owne burthens and we are not unsensible off our owne, the

* Mass. Archives, vol. 122, p. 62.

† In this engagement John Bement and Richard Lyman were wounded. See allowance to the former in resolves, 1695-6, chapter 1.

good Lord in his owne time send you & us peace and free us from our present perplexities w^{ch} is all at present needfull from./

Yor humble Seru^{ts} the Govern^r and Council./ P^r their order
signed JOHN ALLYN Sec^y. — *Ibid.*, p. 227.

On the twelfth of January Stoughton wrote again to Pynchon, communicating to him the substance of Secretary Allyn's letter of the third of January, as follows: —

"Boston. January 12th 1694.

S^r

In mine of y^e 14th of December past, I observed to you that I had written to the Gov^r & Council of Connecticut to relieve the Garrison at Deerfield, I have now received their Answer in w^{ch} they Signify that they have agreed to post thirty two men there for some-time under their pay; to be Subsisted at the charge of this Province, I have by this conveyance written to them to hasten their men thither, if they be not already advanced; And upon their arrival, do Order that you discharge so many of the Souldiers now upon duty in that Post, and y^t y^e Cap^{ne} forthwith transmit a List of their names with the time of each mans Service and day of discharge, unto the Commission^{rs} for the war; with an accot^t of what has been advanced to any of them in Cloathing or else; I likewise Order that you cause effectual provision to be made for the Subsistance of the Connecticut Souldiers, on the best Terins you can for the most Ease to y^e publick, so that nothing necessary be wanting; and let it be Signified to the Commission^{rs} for the war, how & in what manner they are provided. In my last I directed you to lay before me the State of the Militia belonging to yor Regiment, and to see that they be furnished in all respects according to Law, and to give me a particular accot^t how many men are under pay within yor Regiment; where posted, and how improved; which I expect to receive by the first opportunity and, the continuance of your care and vigilance to be very observant of the Enemy^s motion^s.

Yor Friend & Servant.

W. S.

To Colo John Pynchon." — *Ibid.*, vol. 51, p. 28.

At the same time he wrote to the government of Connecticut in the following terms, expressing an earnest desire that the men sent by them should be kept in service for a longer time than promised in Allyn's letter of the third of January: —

"Boston, 12^g January 1694/5

Hon^{ble} S^{rs}./

I have yor^s of y^e 3^d currant before me wherein you advise of yor agreeing to relive the Garrison at Deerfield by posting thirty two fresh men there under yor pay; this Province bearing the charge of their Subsistance. It was hoped that you would have complied with the proposal in mine for a greater number of men, and also to Subsist them being for the Securing and maintenance of a Post of so great Import to yor Colony; and far short of what this Province is necessitated to do for the preservation of their Maj^{ties} Subjects and Interests within y^e Province of New-Hampshire, besides the Enforcement of our Frontiers lying without them; however I thankfully accept the Assistance offered, and hope yor men will be advanced to the place 'ere this come to hand; if not, desire they may be hastened and sent wth all Speed; I wrote to Colo Pynchon at the same time of my last unto yor Selves, and observed unto him the import thereof; from whome I Expect you have heard before this; And have by the inclosed given necessary directions to him concerning yor men; which I pray may be forwarded wth all Speed; haveing no present direct conveyance; I perswaded my Selve that upon further consideration you will be prevailed with to continue yor men in this Service for longer time than is intimated in yor^s heartily wishing, if it be Gods good pleasure that all Occasions for such charge both to you & our Selves may soon be removed; In the mean time shall contribute, what is within my power to the affording of mutual succours, resting confident of the like on yor part. I am

Yor humble Servant.

W. S." — *Ibid.*, vol. 2, p. 227.

Of the receipt of this letter, Secretary Allyn made no acknowledgment and no other response than is to be found in the letter of March 6, 1694-5, which is printed in the note to chapter 1, *ante*. It was this prolonged reticence that induced the General Court to add its entreaties to the same effect in the letter which constitutes this chapter. The following vote, under which the Secretary acted, is preserved in the archives,* and was passed by the representatives on the sixteenth of March; but there is no record of concurrence by the Council, which, however, is implied in the fact that the letter was actually written.

"That M^r Secretary write to Conneticot &c in the name of this Court by the direction of the Leiut^{nt} Governor And counsell to in treatie their Assistance in the Present Warr."

On the twenty-seventh of March the Lieutenant-Governor received a letter from Colonel Pynchon informing him that Lieutenant Hollister, the commander of the company of Connecticut soldiers at Deerfield, had received orders for immediately withdrawing his force. On the next day Stoughton wrote the following letter to the government of Connecticut, reproaching them for their conduct in this affair, and expressing the hope that they would "see cause to retrieve that unhappy mistake" of withdrawing their forces from the frontier, which it was the common interest of both governments to defend against the inroads of the enemy: —

"Hon^{ble} S^{rs}

By a Letter received yesterday from Col^l Pynchon I was given to understand that Lt Hollister had received Orders for his drawing off from Deerfield, with the Souldiers there under him; which was not a little Surprizing and the more in that I had no notification from your Selves of your intentions so to do, thô I have yor^s of the 6th curr^t in which you intimate your men were there at y^t time, and Signify your willingness to do your proportion with your Neighb^{rs} in such publick charges wherein you are equally con-

cerned; In mine of y^e 12th of January past, I earnestly pressed for the continuance of them to which you were not so kind as to return me an answer, the General Assembly also in their Letter of y^e 16th of this month Signed by the Secretary, have strenuously refreshed that motion. I may not omit to Observe to you the disrespect therein offered unto their Majties Governmt of this Province, and particularly to my Selfe; besides the hazard of Exposing a Post of so considerable consequence unto the whole Territory;* I might reasonably Expect to have been made acquainted with yor Resolves in that matter before yor Orders had been sent for calling home your men that so I might have dispatched necessary Commands for the reinforcing that Garrison at the time of yors drawing off; I would hope when you reflect thereon, you will see cause to retrieve that unhappy mistake, by a new Supply of men for that Post, And thereby prevent the improvement which it's easy to foresee may otherwise be made thereof, by such who seek advantage, For which I shall studiously Endeavour that no occasion be given on the part of him who is willing to approve himselfe.

Gent. Yor Loveing Friend & Servant

Boston, March. 28^o 1695.

W. S." — *Ibid.*, p. 230.

More than two weeks elapsed after the date of the foregoing letter before Stoughton received a reply. It came then from Governor Treat, under date of April 12, 1695, and is printed in the note to chapter 1, *ante*, together with Stoughton's reply thereto dated the sixth of May.

On the fifteenth of May, Secretary Allyn in the name of the Governor and General Assembly of Connecticut wrote to the Lieutenant-Governor and Council of Massachusetts a letter the following extracts from which explain the irregularity in the official correspondence between the two governments, and show what response Connecticut had resolved to make to the repeated requests of Massachusetts:—

"Hartford May 15th 1695:

Hon^{ble} & much respected: Gent^l

we received a letter from his Excellency & counceill bearing date Nonembr 9th 1694 respecting our perambulateing the Line betweene your prouinee & our colony which was desired by our Letter: 19 of octobr 94 with some sharp reflections in it w^{ch} we are desirous to ouerlooce which Letter was about thre moneths in coming to us, another Letter we Receiued from y^e Hon^{ble} Lnt Gou^r beareing date march y^e 28th 1695 where Instead of an acknowledgment of our kindnes in garisoning at dearefeild wth a Lnt & 32: men for y^e space of ten weeks: for caling them home you greatly blame us, because you say we gaue you no notice thereof, truly Gent^l the reflections in y^e s^d Letter we think might well haue been spared for when upon y^e motion of coll Pynehon we sent up our men to dearefeild there to Garrison we tould Him we Intended theire continuance there onely till the winter broke up or till About y^e End of march & accordingly when we called them home we gaue coll Pynehon notice thereof which we Esteemed to be as much as was necessary, your Honoured selues haueing comitted y^e care of that Garrison to y^e hon^{ble} Coll Pinchon, also we received a Letter of feby 11th 94/5 which we haue perused & finde therein your desire of twenty of our men to be shipt one y^e prouinee Galley with prouission sutable for this sumer to be Employed for y^e securing of coesters & other uessels also in his honers Letter of y^e 6th of this month he doth reinforce his former motions for y^e guarding of dearefield & maning the galley with: 20: men &c All which this court hath considered & pleas to accept of this our returne; . . . as to your motion of our putting in: 20: men in to y^e prouinee gally we haue candedly considered y^e same & are allwayes according as we are able willing to youse our utmost Endeouours to preserue his Maties interest in these parts & defend his subiects against all his Maties Enemies: & now we hane agreed & haue Alredy ordered y^t fifteen men with arms compleat be ready Att new london upon y^e 25th of this month to be shiped on your prouinee gally with armes & prouission; we not being capeable to proener Amunition must Leauie it with youerselves to prouide y^t & to be employed in crusing between nantuckett & blok Island & fishers Island Gent^l we pray you to consider what is herewith presented to you & be pleased to giue us your Answer hereto by this post & candedly accept thereof which with our best respects to y^e hon^{ble} le^t gour & y^e hon^{ble} gentlemen of y^e counceill we take Leauie to commend you & all your Affayers to y^e guidance & protection of y^e most high & are your most affectionate freinds & neighbours y^e gouen^r & Genrall Assembly off theire Maties collony of conecticott:

¶ their order signed JOHN ALLYN Secy." — *Ibid.*, p. 232.

To this letter was added the following postscript:—

"Gentlemen we Expect our men shall haue Equall shares with your men in all priuiledges: man for man." — *Ibid.*

To this letter Stoughton replied on the twenty-first. The following extract from his letter relates to the subject of this chapter:—

"Hon^{ble} Srs

I just now recd yours of y^e 15th curr^t In Answer to several Letters both from Sr W^m Phips before his goeing for England, and from my Selfe since, his departure, to haue some assistance from yor Selves against his Majty^s Enemies, and for the defence of his Interests in the several Provinces and Colonys within this part of his Dominion; I am not sensible that the Governmt here have been backward to acknowledge what has been formerly done by yor Selves in that respect; nor do I thinke you have any just cause to take it as any reflection what has been said relating to the last drawing off yor men from Deerfield; which were not posted there upon the motion of Col^o Pynehon, but from y^e Governor and certainly you could not thinke it had any decorum in it to draw y^m off without Signifying yor Intentions so to do. unto himselfe or other Commandr in Chief, especially w^h you were written unto to desire their continuance for some long^t time. . . . the Enforcem^t of the Garrison at Deerfield I hope you will take into further consideration; For your offer of Fifteen men for the Service of the Galley, it seems to be

clogged with such conditions, as yt she will be rendred but of little benefit to this Province by yor Limitation of her Station; I suppose I might have been trusted with the direction of that, In wh^{ch} I should have had special regard unto yor Selves. And from the Intelligences I have receiv^d it's probable those places you name may be Infest^d wth vessells of a greater force, I have therefore assigned one of his Maj^{ty}s ships to that Station, & have Expectation that a small vessell will be fitted out from Rhode Island to attend her; which will be a better Security And if you shall please to imploy those men proposed for the Gally with some others to y^e strengthening of Deerfield, it will be kindly accepted by him who is. In all Sincerity. S^{rs}

Yor affectionate Friend and servt.

Boston May 21st. 1695

W: S: .” — *Ibid.*

Massachusetts having thus requested that the services of the men selected by Connecticut to man the Province Galley be diverted from that duty to the defence of Deerfield, the Governor and Council of Connecticut directed Secretary Allyn to write the following letter giving reasons for declining this request: —

“Hartford June 1st 1695.

Honourable S^r

your letter of the 21 of may we have receiued & seing our fifteen men we provided for your Galley are not so acceptable to you by reason of your other supplies. wee have disbanded them & ordered their return to their stations & dissposed of those prouissions that were provided for them & sent to New london to best advantage we have been at considerable charge in this affayre but we are sattisfyed with your motions therein & have great need of our men for our occasions in the management of our husbandry.

As for your motion of strengthening the Garrison at Dearefeild we hear Col Pynchon hath provided & settled a Garrison there sufficient at present we look upon or selues upon the news of Any assault coming upon them in duty Bownd to post up to their releife with all speed which we accot as much as may be regularly expected from us we haueing so many Townes of our owne that are as smale as dearfeild that we must care for & provide for their defence when danger approacheth them.

Hon^{ble} S^{rs} we make bold to present to your considerations whither a prohibiting of Trade with the Indians This time of warr in your upper Townes be not necessary while the Indians; which are freinds of them & which are enemies can hardly be discerned & that the last mischeife done at dearfeild was done at such a time & In such a maner wherin it was a difficulty (as appeared) to discern whither that murther was by* freinds or enemies we shall not gine your Honours farther trouble but comend you & your waighty affaires to the Guidance & blessing of the Almighty & are your humble

seruants the Govern^r & councill of conecitcutt P^r their order signed

JOHN ALLYN Secret^y.” — *Ibid.*, p. 234.

This letter elicited the following caustic rejoinder from Lieutenant-Governor Stoughton. The passages omitted related to the settlement of the boundary between Massachusetts and Connecticut: —

“Hon^{ble} S^{rs}

Yors of ye 1st curr^t is before me, In which you intimate that you have disbanded the men designed for the Province Galley and dismist them unto their private occasions, and disposed of the Provisions intended for their Subsistance to advantage. I am not unsensible of ye many advantages providence favours you withal, whils^t you may quietly attend your own occasions and Enjoy the benefit of a high market for what is rayseed within yor Colony, the price of yor comodities being Enhanced by the demand of them here for supporting the War; which yor Situation has in a great measure Exempted you from the charge & direful Effects of, falling so exceeding heavy upon this Province, and that not onely for the defence of his Maj^{ty}s Subjects and Interests within the same, but also of Our neighbours who could not else stand; I may not omit upon all occasions to observe the same unto You, and am not a little Surprized at your seeming unconcern^d-ness and withholding yor assistance in this common cause, more Especially that Deerfield a post of such consequence for the Security of yor Colony is so much Slighted by you: You may perceive by the Publick Letters and Reports from England that it is his maj^{ty}s Commands and just Expectation, that the seial distinct Colonys and Govern^{mts} within his Territorys here should combine in a joint defence and prosecution of the War; And it's Easy to thinke that it would not be of advantage to any that a Representation be made. there is a denial or backwardness in them to contribute their assistance; It would also be unpleasing to me that for the preservation of his Maj^{ty}s Interests I should be Enforced to lay the same before his Maj^{ty}. . . . hoping that the Reflection upon what is herein before observed unto you; will oblige you to do that which is not onely kind and neighbourly but also duty in the p^rmisses.

I am Gent. Yor humble Servant.

Boston. June. 17th 1695.

W. S.

Gov^r & Council of Connecticut.” — *Ibid.*, p. 235.

To this rebuke Secretary Allyn, by direction of his superiors, wrote a letter on the third of July containing the following mild retort: —

“Hartford July 3^d. 1695.

Honourable S^r

your letters of the 17th of June past we receiued the 26th of that moneth which this day hath bene read In councill & considered, & to let pass your unneighbourly reflections upon us And as to your motion about Garrisoning of dearfeild col fletcher hath now sent for our full Quoto of men which we are considering how to rayse, & therefore we can doe no more at present unless absolute necessity calls for it from us we hane not

to ad but our respects to your Honor & our prayers to God to Guide assist & bless you in all your waighly affayres & that we are your Humble servants the Governor
& councill of conecticut & their order signed P

JOHN ALLYN Secretary." — *Ibid.*, p. 236.

A week later the following letter was written by Secretary Addington to the government of Connecticut, in the name of the Governor, Council and Assembly of Massachusetts; but as the General Court stood adjourned from the twenty-eighth of June to the fourteenth of August this letter, although proposed by the House,* was prepared in the vacation, and so the draught of it could not have been regularly approved; hence it has not been printed as a separate chapter:—

"Hon^{ble} S^{rs}

We have been made Sensible, That his E^xc^{ty}. S^r W^m Phips our late Governor during the time of his Stay here, and the Hon^{ble} our L^t Gov^r since his departure have divers times made application unto the Gov^r and Council of yo^r Colony for assistance in the defence of his Maj^{ties} Interests here and a joint prosecution of the War, and something has been done by yo^r Selves in that regard, w^{ch} we kindly accept, tho^{gh} apprehend it falls far short of what might justly have been Expected, and what we should cheerfully have yielded you in like case, had yo^r Colony been y^e Seat of y^e War and attacked on every side as we have been; We have for several year's past been forced to grapple wth y^e fatigue and charge of the War by our Selves & are greatly impoverished and distressed therewith, and unable to carry thro^{ugh} unless our Neighbours will afford their assistance in this common cause. And to that End do renew our application for yo^r assistance requesting that you will nominate and Comissionate some suitable persons fully impow^{er}d & Instructed to meet with those that shall be Comissionat^d on behalfe of this Governm^t to treat of proper methods for y^e prosecution of y^e War and to concert and agree of the Quota and proportion of men & money to be provided by y^e several Governm^{ts} for carrying on the same; and likewise to adjust and state the accounts of what has been already expended on that occasion by each Governm^t according to what has been accustomed in times past, and was agreed to by yo^r Comission^{rs} in the year 1689.† hoping for yo^r ready compliance to this just & reasonable proposal; whereto we expect yo^r Speedy Answer,

By order of y^e Hon^{ble} the L^t Gov^r Council and Assembly.

Boston. July: 10th 1695

I: A: Secy." — *Ibid.*

The correspondence relating to the subject of this chapter appears to have ended here.

* "Recommended to the Hon^{ble} the L^t Gov^r and Council. To write Letters from this Governm^t unto the Governm^{ts} of Connecticut and Rhode Island for their assistance in men and money towards the prosecution of the War, and to send Commissioners to treat them thereabout. . ." This proposal was made on the twenty-eighth of June. — *Mass. Archives*, vol. 2, p. 235.

† The following is the declaration and promise of the commissioners of Connecticut:—

"Wee whose names hereunto Subscribed being Comissionated and Instructed by the Gen^l Assembly of the Colony of Conecticut, to meet the Commissioners from the Colonys of the Massathussets and new Plymouth and with them to inquire into the Lawfullness of the present warr, between their Maj^{ties} Subjects and the barbarous Indiyans in the Eastern part of N: England and upon Satisfaction given us that the sd war is lawfull & necessary to be prosecuted on the part of the English to joyn with and be aiding unto the said Colynys of the Massathussets and new Plymouth or other the Subjects of their Majesties in the sd war according to the measure given us in our said Comission and Instructions, as by the sd Comission and Instructions more fully may appear.

In pursuance whereof wee having met and treated with the Gentlemen Comissioners to the same and from the said Colonies of Massathussets and new Plymouth at Boston on the 16th 17th 18th 20th & 21th dayes of Septemb^r Anno 1689 upon the occasion aforesaid, and having had a Narrative of the sd warr both as to its rise and continuance and considered thereof, Wee do declare hereby. (first) That we are Satisfied and P^{er}swaded that the Indiyans in the Eastern part of New England have committed many cruel and barbarous Murthers upon their Majesties Subjects in those parts. Led many of them into and hold many of them in Captivity. That they have many wayes destroyed the Estates of their said Maj^{ties} Subjects, and still remain in open hostility ag^t them. and y^t without any just or Sufficient cause given them by their Maj^{ties} Subjects especially since the revolution of the Government in April last that wee can yet come to the knowledge of. and that notwithstanding the just indeavours used by the Gov^r & Councill of the Massathussets to put a good Issue to the said warrs.

Wherefore we do apprehend that the said warr is on the part of the English Is [*sic*] a defensive warr and Just and Lawfull, and that it is necessary, and the Duty of all their Maj^{ties} Subjects in New England to prosecute the same by all lawfull wayes, and by force to repell and destroy the Said Indiyans with all their Aiders and Abettors./

Whereas in your consulta^{cons} with the other Comissioners, we find such a deversity in the several Instructions as they cannot be accomodated each to other at present so as make one rule for the carrying on and defraying the Charge of the said war (which we hope the sevl^l Gen^l Assemblies of said Colonies will with convenient speed enable unto) by all the Colonies aforesaid. Yet that we might be aiding too and in the said Warr to the utmost limits of our present Instructions. As wee have tendered and so again we do tender in behalf of the Colony of Conecticut, unto the Gen^l the Comission^{rs} of the other Colonies aforementioned and for these Colonies and other their Maj^{ties} Subjects in N Engld That from this time the Colony of Conecticut shall and will maintain such a part of the army improved in the said warr, as shall be their proportion according to the Estate of that Colony compared with the Estate of other Colonies of the Massathussets and New Plymouth, provide^d the part of the Colony of Conecticut exceed not the number of two hundred Souldiers, and that in want of money they shall pay in in provision in sd Colony at one third part abated of the price hitherto Currant at Hartforth (which is well known) to make it equivalent to money.

And to prevent all mistakes wee leave herewith a Coppy of our Said Instru^{cc}ions as y^t which wee do tender the P^{er}formance of, and that on Condition of the sd Instru^{cc}ions he complied with by the other foremen^{cc}ioned Colonies as to give our proportion of the profits of said warr if any accrue, and y^t if any men go on the sd Service out of said Colony, they be under officers thence appointed &c: and y^t in the need of the sd Colony, they be likewise aided by the other Colonies &c according to said Instructions, This being all we find our Selves capable of doing herein, wee leave it with the other Comissioners —

Boston Sept: 21th 1689

Archives, vol. 35, p. 4.

SAMUEL MASON

WILLIAM PITKIN." — *Mass.*

1695-6.

Chap. 1. This chapter is from archives, vol. 70, p. 248. It is recorded in council records, vol. VI., p. 400.

The following is the petition upon which this resolve was founded: —

“To y^e Hon^{ble} Leivt Gov^r & Council & to y^e Representatives now Assembl^d

May it Please yor Honors to relcive a Pore Wounded soldier who is in al respects needy & wanting supply: His Pay for his service being ordered to come frō Enfeild constable who Pays nothing renders him y^e more needy, & cals for yor order to help him therein, but most especially for a due consideration of his wound he Recd on y^e .15th of Sept^r last at Dearefeild w^{ch} besides y^e misery & Paine, hath disabled him frō Labor for now neere eight months & when I shal be able to get any thing I know not wherefore Pray yor compashons & spedy ordering of Just releife y^t I may not stay at Boston where it is too expensive for him y^t hath noe Money, But be at Liberty to returne wth yor Honors favorable orders & Due allowance, w^{ch} wil Thankfully Ingage him ever to serve yo^u as he is able, who is

Yor humble Serv^t

Boston June. 5th 1695

JOHN BEMENT.” — *Mass.*

Archives, vol. 70, p. 248.

The engagement at Deerfield, in which Bement was wounded, is described in resolves, 1694-5, chapter 62, note.

On the eighteenth of June, 1695, an order passed the Council for paying the money voted in this chapter,* and the province Treasurer's accounts† show that it was paid.

Chap. 4. This chapter is from council records, vol. VI., p. 402, and archives, vol. 62, p. 22.

The following is the petition mentioned in this chapter: —

“To the Hon^{ble} William Stoughton Esq^r Lient^t Governo^r and Commander in chief in and over his Matys Province of the Massachusetts Bay in New England, the Council & Representatives convened in General Assembly. June 12th 1695—

The Petition of William Wallis of London Merchant

Humbly sheweth

That the two ships named the Hope & Bear (whereof your Petitioner is part Owner. and concerned for y^e rest) being designed for the Province of New Hampshire to fetch Masts for his Matys service, were ordered by her late Maty the Queen to transport to this Port of Boston two Foot Companys of souldiers for New Yorke, commanded by Cap^t. Hyde and Cap^t Weems, and to land them here In pursuance whereof the s^d ships accordingly came to Boston, having no other buisness here. than only to observe her Matys s^d orders, and then forthwith to saile to the Province of New Hampshire aforesaid —

Your Petition^r therefore prayes the favour of this Hon^{ble} Court. That the s^d ships may be freed from the Duties of Tunnage and powder money, they coming hither imediately upon his Matys service and being alwayes exempted from the like Duties in England, upon consideration that they are employed in the fetching of Masts &c for his Matys service

And yor Pet^r shall ever pray &c

WILLIAM WALLIS.” — *Mass.*

Archives, vol. 62, p. 22.

The Hope and the Bear were undoubtedly the mast ships mentioned in Stoughton's letter of May 6, 1695, to the Governor of Connecticut, printed in the note to chapter 1 of the resolves of 1694-5. The Hope, which arrived in Boston on the fourteenth of May, brought over two companies of grenadiers for the defence of the province of New York, as reported to Governor Fletcher by Stoughton in his letter of the twentieth, quoted in the note to chapter 29, *post*.

Chap. 5. This chapter is from archives, vol. 62, p. 27. It is recorded in council records, vol. VI., p. 401.

Chap. 8. This chapter is from archives, vol. 101, p. 39. It is recorded in council records, vol. VI., p. 405.

The following petition, which does not appear to have reached the Council, was presented at the fourth session of the General Court of 1694-5, and was acted upon by the House as shown in the vote subjoined thereto: —

“To the Hon^{ble} their Majties Great and Generall Court of the Province of the Massachusetts Bay in New England now sitting in Boston by adjournem^t March 6th 1694/5

The Petition of John Hoite one of the late Constables of Amesbury now a prison^r in Salem Gaol

Humbly Sheweth

That yor Petition^r is now in Prison und^r an Execution for the Non Satisfaction of the arreares of the rates committed to him to Collect whilest he was Constable of Amesbury. That Your Petition^r has Lately mett with great losses, haveing had his house plundered by the Indians, and has been visited with much sickness through the holy afflicting hand of god upon him besides Sundry of the persons from whome many of s^d arreares be due are both dead & removed out of y^e Towne./

Now Forasmuch as yor poore petition^r by the providence of God is reduced to necessitous Condition, and wholly uncapacitated, by reason of his confinem^t to doe any thing for himself & family or y^e paym^t of s^d arreares for y^e p^{re}sent. he therefore humbly entreates the favour of this high & hon^{ble} Court to Consider the premisses by being pleased to grant

* Executive Records of the Council, vol. 2, p. 337.

† *Mass. Archives, vol. 122, p. 63.*

unto him two or three yeares Space for paymt thereof as also for a releasem^t from his Confinem^t And Yo^r petition^r as in duty bound shall Ever pray &c

JOHN HOYTE

Voted upon Reading the Petition aboves^d that s^d Petitioner is granted his Request provided he give security to m^r Treasurer to pay s^d money within two years into the Treasury march 8th, 1694/5 past in the affirmative by the house of Representatives & sent up to the honorable L^t Govern^r & Council for consent

NEHEMIAH JEWET Speaker." — *Mass.*

Archives, vol. 105, p. 26.

This year Hoyt renewed his application, in the following petition:—

"To y^e Honourable L^t Govern^r Council & Assembly, of their Maj^{ties} province of y^e Mattathusets Bay in New Engl^d

These are humbly to request yo^r hon^{rs} favourable regard to me in my low & distressed estate & condition now confined to y^e prison at Salem through my default (which I humbly confess & acquitt justice in y^t matter & case.) in not gathering Almsburyes proportion of y^e countrey rates committed to me for y^t end when I was constable *An: Dom: 1690.* Being thus circumstauced. Within two months after those rates were committed to me to collect y^e enemy came upon our town, & did us much damage. They burnt one house of mine w^{ch} cost an hundred pound building. And robbed another of mine of all y^t was in it both tools & bedding &c: w^{ch} was of considerable value. And killed four of my cattle. Being thus Impoverished & considering & by experience finding y^t I had not time to collect y^e rates & provide for my family, standing in need of so much recrute: I Addressed y^e Council for redress in y^e case. They Directed me to y^e general Assembly wth some words of encouragem^t w^{ch} gave me hopes: but providence so ordered & disposed y^t I was at y^e time of their session off at sea transporting part of those rates & before I could get in y^e Court was broke up & so both my purpose hope & expectation therein was frustrated: Moreover it pleased God y^t about y^e same time my wife was taken sick of y^e malignant fever at Newbury upon y^e 15th of July near unto death & was under y^t distemper detained there untill a month after christmass before she was in any measure capable of being conveyed home. And our people being much disenabled as well as Indisposed many of y^m by reason of y^e enemy to pay their rates, I found So much difficulty & trouble, & lost so much time in collecting & endeavouring to collect y^e rates, as y^t I concluded with my self to endeavour (God Assisting) y^e paym^t of y^e countreys due some other way: which I hope under Gods blessing upon my endeavours I hope I should have Accomplished in a little time by gathering & prducing turpentine wth its apperteanances for which I made such considerable preparation would doubtless have effected y^e matter under Gods blessing by y^e end of this season if improved. but by Imprisoning my person is hitherto prevented. And If I must be detained here I must lose y^e benefit of a thous^d trees already prepared to be sett to running & ten thous^d more provided to be prepared with assistance this summer.

Moreover I am Ancient & sickly And have a great wenn or bunch behind my shouldier which is broke & is very noysome to me & frequently distempers my body And I have no one to dress it & cannot come at it myself: Which wth other particulars y^t might have been mentioned yo^r Humble & unworthy petitioner humbly craves may make such impression into yo^r Hon^{rs} breasts: As that If they may not obtaine some abatem^t of s^d rates & dues to y^e countrey yet they may obtaine your pardon & so much favour from your honours as to take bond for security for your money And to grant me release from this Imprisonment & a little Longer time for y^e paym^t of y^e mony: for I have no estate whereby to redeem my self out of prison And my death in prison will be but chargeable payment to y^e countrey. thus craving your pardon I subscribe my self yo^r Hon^{rs} Humble petitioner ffrom Salem-prison:

May: 27: 1695:
vol. 101, p. 38.

JOHN HOYT." — *Ibid.*,

Upon this petition the House, on the eighth of June, passed the following vote, and ordered that it be sent to the Council for concurrence:—

"Upon Reading John Hoyt late Constable of the Town of Almsbury his Petition Vote—Liberty unto m^r James Taylor the Present Treasur^r of this Province to take Sufficient Security for the Payment of Twenty Pounds to the use of the Province to be paid in to the Treasury not exceeding one yeares time, and upon takeing Such Bond & Security to Release the s^d John Hoyt out of Prison

And that the Treasurer be discharged of the Rest." — *Ibid.*, p. 39.

On the fifteenth the Council passed the vote which constitutes this chapter and sent it to the House, for concurrence. On the seventeenth the House passed it in concurrence.

On the thirteenth of August, 1696, Hoyt was killed, "upon the road" somewhere between Haverhill and Andover, by the Indians.* See chapter 51, 1696-7, and note.

Chap. 11. This chapter is from archives, vol. 62, p. 28. It is recorded in council records, vol. VI., p. 407.

Chap. 12. This chapter is from archives, vol. 101, p. 40. It is recorded in council records, vol. VI., p. 408.

The order in Council for this grant was passed on the twenty-ninth of July, 1695. Omitting the preamble it ran as follows:—

"Ordered. That M^r Treasurer do pay himselfe the s^d allowance or salary of two hundred and fifty pounds out of the publick Revenue. WMth STOUTONTON." — *Executive Records of the Council, vol. 2, p. 355.*

The payment of this amount was entered in the treasurer's accounts.

* Pike's Journal, in Proc. Mass. Hist. Soc., 1875-6, p. 130.

Chap. 13. This chapter is from archives, vol. 48, p. 254. It is recorded in council records, vol. VI., p. 408.

The order in Council for this amount was passed July 4, 1695,* and it was duly paid.

Chap. 14. This chapter is from council records, vol. VI., p. 408. It is preserved in archives, vol. 58, p. 150.

In the note to chapter 38 of the resolves of 1694-5, it has been shown that the representatives repeatedly coupled with their votes for granting an allowance to the president of Harvard College an expression of their desire that he reside at the college. This desire was again expressed this year in the following vote of the representatives, passed upon a new petition of the fellows of the college, of which neither the original nor a copy has been found:—

“In answer to the Petition of the Fellows of the Colledge with respect to the Rev'd Mr Increase Mather for his service at the Colledge the last year in the vacancy of a settled President.

Voted, that m^r Mather be thanked for his said service, and that m^r Treasurer be ordered to pay out of the Province Treasury fifty pounds for the same, and that m^r Mather be desired to goe and settle at the Colledge, that the Colledge may not be destitute any longer of a settled President, And that if he take up with said proposal he shall be allowed annually out of the Treasury one hundred & fifty pounds. and if said m^r Mather doe not settle there y^t the Corporation propose some other meet person to the Gen^l Court who may be treated with, to settle there that the Colledge may no longer be destitute of a settled President.

Voted in the house of Representatives; past in the affirmative—Sent up to the Hon^{ble} Lt Gov^r and Councill for concurrence and consent, June 15th 1695 @

WILLIAM BOND Speaker.” — *Mass.*

Archives, vol. 58, p. 150.

From the vote as it stands recorded in the council records and as it appears in this chapter, it would seem that the Council did not concur with the representatives either in the tender of thanks to Mather, or in the suggestions respecting the president's residing at Cambridge.

The order for the payment of this allowance passed the Council on the eighth of July,† and the sum stands credited to the province treasurer in his accounts‡ covering the period between May and November, 1695.

Chap. 15. This chapter is from council records, vol. VI., p. 409. It is preserved in archives, vol. 113, p. 83.

The particulars of the controversy between Cambridge and Newton down to June, 1694, respecting the contribution of each towards the maintenance of the great bridge over Charles River have been narrated in the note to chapter 3 of the resolves of 1694-5.

In the third session of 1694-5, the selectmen of Cambridge presented the following petition:—

“To his Excellency Sr Will^m Phipps Kn^t Cap^t Gen^l & Govern^r in Chief of their Majesties Province of y^e Massachusetts Bay in New England & to their Majesties Honorable Council of said Province, The Petition of y^e Select Men of Cambridge in y^e behalfe of said Town Humbly Sheweth

That whereas the Gen^l Assembly by an Act bearing Date February 1693/4 did Grant unto the Town of Cambridge the sum of one hundred & fifty pounds in Money for repairing of their great Bridge over Charls River & Severall persons having advanced Money for repairing the great Breach made y^e last winter in said Bridge, (being encouraged thereto by the Honor^{ble} Assemblys Act) do now require their Money, also there being nothing in the town treasury for reimbursemt of the persons who have already advanced their Money, nor for the further reparation of y^e Bridge, w^{ch} is absolutely necessary, & w^{ch} with all speed will be endeavored, if what is Granted, may be procured, yo^r Pet^{rs} Do therefore humbly request yo^r Excellency & the Honor^{ble} Council, that you would please to give order to the Treasur^r for y^e paym^t of said money that so the town may be inabled for the performance of what is required of it, referring to the p^mises & yo^r Pet^{rs} as in duty Bound shall ever pray &c

Cambridge Octob^r 18th 1694 —

| | |
|-------------------------------|--------------------------------|
| WALTER HASTING | } Select Men of Cambridge.” |
| JONATH ⁿ REMINGTON | |
| JOHN JACKSON | |
| JAMES OLIVER. | |

vol. 113, p. 92.

Possibly, the following report dated June 16th, without the year, was made on this petition: certainly no other action upon it in either branch has been discovered:—

“The Committee appointed to Consider the Petition of y^e Select men of Cambrige, & to prepare an Answer thereto.

Report, that haneing seriously & Duely Consider'd the Circumstances of y^e Town of Cambrige and New town (said New town appearing to be Oblidged as well as y^e Town of Cambridge, to bear a part and proportion of y^e Charge of maintaining the Great Bridge ouer Charles Riuer. in y^e bounds of Cambridge aforesaid) we apprehend that y^e Charge of Erecting & Rebuilding a Bridge ouer s^d Riuer is a Burden too great for s^d Towns, of Cambridge, & Newtown to bear yet y^t it is absolutely nessesary for subsistance of y^e Town of Cambr: and for y^e Common use and aduantage, of this Province, Considering the Publick use of y^e Colledge w^{ch} is y^e Peculiar, both Glory & Blessing of this Prouince, aboue

* Executive Records of the Council, vol. 2, p. 341.

† *Ibid.*, p. 343.

‡ *Mass. Archives*, vol. 122, p. 65.

all his Majties Territoryes in americka; That a new Bridge be erected, instead of the ould Decayed one

and we are humbly of opinion yt since yt bridge was erected by a Generall Contribution, of y^e Counties of Suffolke & Middlesex that for y^e accomplishment of so good & Benificyall a worke it is expedient that Breifes do Issue forth from this Court, to the seuerall Townes within this Prouince, Recommending a worke of so publicke aduantage & Benifitt to y^e minnisters of the Respective Townes, that they may Read y^e same to their Congregations at some couenient season and exhort their people to Contribute to so Benificyall an undertakeing

and that a Committee be appointed by this Court to Receiue the Contributions, that shall be made & Remitted from the seuerall Townes within y^e Province & said Committee ordered to Report what summs they shall Receiue to this Court at y^e next sessions, when effectull measures shall be taken for the Compleating y^e Good worke aforesaid./

June 16th Read

Read a Second time.

Read a Third time. In the House
of Representatives and

Voted, and sent up to y^e Lt Govern^r &
Council for their Consent

NATHAL BYFIELD in y^e name
& behalfe of
y^e Committee

PENN TOWNSEND Speaker."—*Ibid.*,

vol. 121, p. 79.

The subject was brought up again in the first session of the Legislature of this year, upon the following joint "remonstrance" by Thomas Danforth of the Council, and Samuel Chamne of the House, both inhabitants of Cambridge, which remonstrance was approved by the selectmen of the town, and by their order presented to the General Assembly:—

"A remonstrance of Cambr. Case.

Humbly p^rsented to y^e Hon^{ble} W^m Stoughton Esq^r Lt Gov^r the Hon^{ble} Council, & Representatives now assembled in Gen^l Court.

Sheweth. that under the Excercise of y^e old charter Governm^t the Inhabitants of Cambr. village, scittuate on south side of charles River, were first freed from trayneings at Cambr. & after y^t obteyned of y^e Gen^l Court freedome from all Town charges & Dutyes, reserving to the Town only paym^t from them towards the upholding ye great Bridge. over charles river Deputyes charges, & Gra^mer schoole, & thus they continued to do neere 25: years, untill Sr Edm: Andross took y^e Govern^t the above s^d village upon change of y^e Governm^t, obteyne freedom from the Town, only to continue towards y^e upholding the Bridge their proportion one sixth pt & Cambr is ordered to do one third pt & the remainder to be done by ye County: & m^r Samuel Gookin then sheriff of ye County is ordered to mannage y^t trust, & accordingly the Bridge is upheld & kept in repayre dureing Sr Edmunds Governm^t.

After y^e Revolution of y^t Governm^t the Inhabitants of y^e village Petic^{on} y^e Gen^l Court, & obteyn to be called New-town & refuse to do any more towards the repayre of s^d Bridge & y^e county Trer he also refuseth paym^t of y^t pt allotted to the county. pleading y^t y^e settlm^t made by Sr Edmund, had not ye sanction of ye Gen^l Court: The whole burthen of upholding the Bridge is now revolved on Cambr, when as ye one halfe of ye lands granted them by ye Gen^l Court for the upholding the town affaires is taken from them, & is acted & done, Cambr not haueing once notice to speak for y^{ms}; why so great injustice should be done unto them:

Never the less Cambr disburss many scoars of pounds for upholding said Bridge, untill they find themselves unable to stand any longer under so great a burthen, & they then pet^t the Gen^l Court, y^t ye village being a pt of those lands granted them by ye Court, & so their indubital right, that they might be ordered to put too their helping hand, but canut obtaine releife, the village pleading the Courts grant of a name given them, but shew not how they came to have a being distinct from Cambr: nor can Cambr obteyn the coppies of any those Records y^t do set forth y^e same. but are left remediless, the Bridge ready to tumble down & thereby will be rendred irreparable, & the church & Town utterly broaken in peeces & ruined,

14. 4. 95. The p^rmisses are humbly p^rsented for considera^{cc}on with humble supplica^{cc}on for timely releife, as is in justice & equity due to Cambr:

SAMUEL CHAMNEE Representatiue
for Cambr.—

THO: DANFORTH.

June 18th 1695 —

The Select Men of Cambridge do order that y^e within written be presented to the Honor^{ble} Generall Assembly in Behalfe of Said Town P^r Order of y^e Select Men

SAMUEL GREEN

Clerke for

Cambridge."—*Ibid.*, *vol. 113, p. 83.*

The following is the form of the original vote upon this remonstrance, which was recast by the Secretary in the form in which it appears in this chapter:—

"Read in the house of Representatives June 18th 1695 Voted That m^r Sec^{ry} giue notice to the Select men of the towne of Cambridge, And also to the Select men of the Towne of New Cambridge that there be Some men of each Towne Respectiue^{ly} sent to this Court at their next session to Auswer and say what may be needfull Concerning the within written Remonstrance—

Sent up to the Hon^{ble} Lt Gour & Council for their concurrence & Consent

WILLIAM BOND Speaker."—*Ibid.*, *p. 84.*

Chap. 16. This chapter is from council records, *vol. VI.*, *p. 409.* It is preserved in archives, *vol. 70, p. 247.*

The following is the petition npon which this vote was based:—

“To y^e Leiv^t Govern^r & Counsel And Representatives Setting in Boston N: E:
The Peticōn Sam^l Newell of Roxbury

Humbly Sheweth —

That whereas, in y^e country service against Cannida he with the company suffered ship-Wrack and more hardship than well can be Exprest being six weeks in y^e desert feeding some times on Rotton wood and some times on such vermin as they could find, in which hard ship some perished, and then we that were alive fell into y^e hands of the heathen whose mercies we found to be cruelties one of us they killed and others Dyed, yor^t Peticon^r after one year of Indian Slavery got to the french which was some what better but still slavery and harship was his portion with him: But y^e perticular acct^t of his sufferings are to many here to Incert: And now throug y^e Infinit mercy of God having been Enabled to go through these sore afflictions and at Length brought home, and having spent all that Littel his father had Left him to pay his Ransome He is now Empty handed as well as Weak and having been near five year gone hence Doth humbly pray yor^t Hon^{rs} Will take his case into consideration that he may have some Reasonable allowance for the time he hath been in slavery which hath been Occassioned by his Going in the country service; so y^u will refresh y^e spirits of him who hath passed throug severall daths that he may with y^e more cherefulness bless God, and heartily pray for yor^t Hon^{rs} &c.” — *Mass. Archives*, vol. 70, p. 247.

This petition was read twice in the House on the fifth of June, when the following vote was passed thereon by the representatives: —

“Voted y^t Samuel Newel y^e Petitioner be paid Twenty five Pounds out of the Publick Treasury includeing his Redemption and what may be due to him as a Souldier./

WILLIAM BOND Speaker.” — *Ibid.*

This vote was undoubtedly recast in the form in which it appears in this chapter, by the Secretary, who also prepared the preamble when he made up his records after the vote had been concurred in by the Council.

The order in Council for the payment to Newell was passed August 8, 1695,* but the actual payment has not been traced, owing, probably, to the loss of the treasurer's accounts between November 7, 1695, and November 11, 1696.

Chap. 17. This chapter is from archives, vol. 3, p. 379. It is recorded in council records, vol. VI., p. 410.

The “motion” referred to in this chapter has not been found in the archives. It would appear to have been either a minute of the Court of Sessions on the finding of the grand jury, or a suggestion or motion made by Frost, of the Council, or Emerey, of the House, both of whom were inhabitants of Kittery.

Chap. 18. This chapter is from archives, vol. 62, p. 30. It is recorded in council records, vol. VI., p. 410.

Some of the kindnesses requited by this chapter are set forth in a letter of acknowledgment and proffer of reciprocation from Lieutenant-Governor Stoughton to Governor Russell, of which the following is a copy taken from the rough draught:—

“Sr

I have been given to understand yor^t Excy^s particular kindness to the Masters of Ships and other Vessells belonging unto this Province trading to yor^t Island, and yor^t assigning a Convoy for them unto Salt Tertudos; which Favour I acknowledge, and shall gladly embrace any opportunity to demonstrate my gratitude for the same wherein I may be serviceable unto yor^t EXC^y. being ambitious of maintaining a good Correspondence with all their Maj^{ties} Govern^{rs} of their respective Plantations, and to contribute what I may to the Encouragem^t of Trade and comerce betwixt their Maj^{ties} Subjects, more especially necessary at such a time when their losses are so many & great, and publick charges heavy upon them.

Sr I have nothing at present to observe of the affayres of this Province worthy yor^t EXC^y's notice, there haveing been a respite for several months past from any annoyance by the Indians, and we have had some advantage upon them by Seizing and getting under our power some of their men of principal acco^t with them; whereby possibly we may oblige them to better Term's than hitherto they have been willing to comply with. About ten days since was brought hither the Surprizing & sorrowful tidings of the death of her Maj^{ty} the Queen by a Ship that came from Oporto, and touched at the Groine and also at Madera in her way hither, at both w^{ch} places the master Says he had the Intelligence there [†] and relates it with such circumstances as causes me to fear that it may be true; We have for sometime past Expected the arrival of two or more Ships for masts, and by them to receive more certain Intelligences from England I cannot but sadly reflect upon the Influence such a solemn change will have into the affayres of Europe and yt at such a juncture when they seem to have a more favourable Aspect than for sometime past; w^{ch} will highly aggravate the loss of so illustrious a Sovereign; whose Royal Vertues & Excell^t Endowm^{ts} did recommend her to the more Endeared affections of her Subjects, and will Embalm her memory with y^e dutiful acknowledgments thereof to her perpetual prayse by all true Englishmen; of which number I shall accompt it my honour to be reckoned One.

I am. Sr

Yor^t Excy^s Obliged and very affectionate
Boston. April. 8^o 1695. Friend & humble Serv^t

W. S.

For his EXC^y. Francis Russell Gov^r of Barbados.” — *Mass. Archives*, vol. 3, p. 55.

Chap. 19. This chapter is from archives, vol. 70, p. 253. It is recorded in council records, vol. VI., p. 411.

* Executive Records of the Council, vol. 2, p. 357.

† Manuscript mutilated.

The executive records of the council for April, 1694, are lost; and hence the form of the vote of the Council advising the appointment of the commissioners for managing the affairs of the war can only be inferred from the entry of the action of the Board in respect to the appointment of the previous commission, which is as follows:—

“April 6, 1693. Advised. That Major Bartholomew Gedney, Major Elisha Hutchinson and Major John Walley be Commissioners for managing the affaires of the War. And that his Excellency grant them a Commission and general Instructions to Impower and direct them in all things relating unto the said management.

Approved WILLIAM PHIPS.” — *Exec-*

utive Records of the Council, vol. 2, p. 234.

The commission and instructions above named were read and approved by the Council on the twelfth of April.*

It will be remembered that the compensation of these commissioners was at first fixed by the Governor and Council without the coöperation of the representatives, which the House resented as a breach of privilege.† It will also be remembered that the representatives objected to any payment from the treasury to the commissioners unless to defray expenses of which the House had been previously advised, and that these objectionable acts constituted two of the grievances which it was the purpose, in part, of the report of the joint committee, November 29, 1693,‡ and the act in addition to the act setting forth general privileges,§ to redress. The controversy being thus settled, when it became necessary to determine the compensation of the commissioners on the war, appointed for the year 1694-5, the vote which constitutes this chapter was passed, in concurrence. The commissioners last appointed were Colonel Bartholomew Gedney of Salem, a member of the Executive Council, and Mayor John Walley of Bristol. The House, in its vote of March 3, 1693-4,|| had proposed to the Governor and Council that the commissioners of war “may not be appointed to reside in Boston, but in the several counties of this province,” etc. Apparently in compliance with this suggestion Elisha Hutchinson, the only commissioner of war who resided in Boston, had been dropped; but still the entire proposal of the House had not been accepted. On the eighth of September, 1694, therefore, the House passed the following bill to regulate the appointment of these commissioners:—

“Be it Enacted by the Govnr Council & Representative That from hence forth the Comissionrs of warr be the Cheife Comission officers of Each Company in the severall Townes who are Req^d & Impowered to Grant Debentures upon the Treasurer of y^e Province for all wages Due to souldiers from the time they were Imprest by them untill the time they are dismist by y^e officers they served und^r the s^d sould^r bringing a Note from such Capt how long he served & from y^e Comissary where they served of what they have taken up w^{ch} shall be Deducted by the Treasurer out of his wages before he makes paym^t to such souldier.

Sept 8th 1694 past in the affirmative by the house of Representatives & sent up to his Excy & Council for consent. NEHEMIAH JEWET Speaker.” — *Mass. Archives, vol. 70, p. 227.*

This bill was sent up for concurrence, but it seems to have proceeded no further.

The following is the order in Council directing the province treasurer to pay to the commissioners the allowance granted by this chapter, computed to July 6, 1695:—

“July 4, 1695. Pursuant to a vote of the General Assembly sitting in June last that Col: Barthe Gedney and Majr John Walley the present Commissioners for War, be paid Fifty pounds each out of the publick Treasury for their last yeares service, which ended the sixth day of April last, and after the same rate for such further time as the s^d Commissioners or either of them shall further continue to be improved in the said service not exceeding one year. And pursuant to an Act then made for granting a Tax on Polls and Estates, amongst other things applied to the support of the Government and for answering the incident and contingent charges in & about the same, and for payment of such grants & allowances as have been or shall be made and ordered by the Gen^l Assembly.

Ordered: That M^r Treasurer do pay unto the s^d Colo Gedney and Major Walley the sum of sixty two pounds and ten shillings each for their service as Commiss^{rs} abovesaid unto the sixth day of July currant.

WM STOUGHTON.” — *Executive Records of the Council, vol. 2, p. 341.*

An entry in the province treasurer's accounts shows that the allowance was paid accordingly.¶

Chap. 20. This chapter is from council records, vol. VI., p. 411, and archives, vol. 101, p. 37.

The effect of this chapter was virtually to abrogate the vote of 1694-5, chapter 19, by acknowledging that all its requirements were complied with, and ordering the discharge of Phillips and the return of his bond.

The following is the petition in answer to which the vote constituting this chapter was passed:—

“To the Hon^{ble} William Stoughton Esq^r

Liev^t Governour and Comnder in Cheife of his Maj^{ties} Province of the Massachusetts Bay in New England with the Hon^d Council and Representatives of the Same Now assembled in Generall Court held at Boston June 1695—

The Petition of John Phillips late Treasurer to the Late Colony of the Massachusetts—

* Executive Records of the Council, vol. 2, p. 236.

† See note to resolves, 1693-4, chapter 9.

‡ *Ibid.*

§ Province Laws, 1694-5, chapter 3.

|| Note to resolves 1693-4, chapter 9.

¶ Mass. Archives, vol. 122, p. 65.

Humbly Sheweth

That Whereas the Greate and Generall Court or Assembly of the afores^d Province begun and held att Boston the Thirtyeth day of may 1694 Passed a vote in these words Following That is to say That James Russell Elisha Cooke Samuel Sewall and John Foster Esq^{rs} with Mr Richard Middlecott Capⁿ Nathanael Byfield Major Penn Townsend and Mr James Taylor be and hereby are appoynted and Impowred a committee to Revise the Accompts of the Treasury of the Late Colony of the Massachusetts, and to Rectify all such Errors and mistakes as shall appeare therein which were not Taken notice of by the Former Committees or otherwise; And upon Adjusting of s^d Accompts to signe and seale a Discharge to John Phillips Esq^r late Treasurer of s^d Colony, Takeing Sufficient Bond of him to make good whatsoever shall be made appeare to have been received by him or his order and not accompted For. And whereas the abovenamed Comittee pursuant to the above recited vote haveing revised and examined the Accompts of the Treasury of the Late Colony of the Massachusetts durning the Time that the beforenamed John Phillips was Treasurer for sd colony and rectified all Errors and Mistakes as Occurred Unto the s^d Comittee, who found that by sd accompts he stood charged with the sume of £56993 „ 15^s „ 9^d and that he has Discharged himself by payments and allowances made to the Summe of £47463 „ 11^s „ 8^d in part thereof, and hath Transmitted unto Mr James Taylor present Treasurer an accompt of £9530 „ 4^s „ 1^d standing out of the Taxes then made and other the publick Revenue (of which the present Treasurer the last yeare rec^d the Greatest part and hath since been dayly receiveing) with the names of the Severall Townes from which the Same is due which will make up the full Credit of his Accompt. And said Comittee Likewise pursuant to said Vote upon adjusting of sd Accompts and takeing bond as directed Gave unto yo^r petition^r a discharge beareing date the 18th of December 1694 whereby he was discharged of and from the abovementioned summe of £56993 „ 15^s „ 9^d by him accompted for, in manner as afores^d Saveing notwithstanding the benefit of his bond or Obligacon beareing even date with the said discharge of y^e summe or penalty of Two thousand pounds given unto Mr James Taylor present Treasurer of the Province and his Successors in that office for the Petition^{rs} makeing good and paying into the Treasury of s^d Province All and every such summe and sumes as shall be made appeare to have been received by or duely paid unto him or his order and not accompted for, being part of the s^d Summe of £9530 „ 4^s „ 1^d returned by him as standing out or otherwise for w^{ch} he ought have been Debited in his accompt.

That yo^r petition^r durning the time of his officiateing in the office of Treasurer for the Late Colony of the Massachusetts, (w^{ch} was for Some yeares together) hired part of an house in Boston for that Service, as also Employed Mr Humphry Parson an accomptant to assist him in said affaire, The charge whereof, and for wood & candles &c^a was very Considerable, besides the Burthen was very great w^{ch} yo^r Petition^r then Sustained haveing hitherto had noe allowance for said Charge nor the assistance of the sd Parsons in the management of said affaire. Now Forasmuch as yo^r Petition^{rs} bond lyes out against him thô he belceives the Credit of sd accompt to be now nigh (if not fully) Answered Besides which he hath now in, and oweing to him from the publick Treasury five hundred and odd Pounds, and notwithstanding he has an order to receive it, Yett he is willing the same should there lye until a period be putt to the s^d affaire.

Your Petitioner Therefore Entreates that this high and hon^{ble} Court will please Either to give up unto him his bond, or Else that the hon^{ble} Leiv^t Governor and Council may be Impowred by this hon^{ble} Court to order The present Treasurer Mr James Taylor to deliver s^d bond up unto him in convenient Time. As also That yo^r petition^r may be allowed such Sufficient Compensation for the Service of Mr Parson with the allowance of all his Necessary Charges whilst he officiated in the office of a Treasurer to the Late Colony as to yo^r wisdoms shall seeme meet just & reasonable—

And Yo^r Petition^r shall pray &c.” — *Mass. Archives, vol. 101, p. 37.*

The vote on this petition was passed in the House on the twenty-first of June and concurred in by the Council on the next day. The preamble of the chapter was evidently prepared by the Secretary when he made up his records.

It will have been noticed that up to the date of the above petition Phillips had not drawn from the treasury the five hundred pounds allowed him by the vote of 1693, chapter 8. This amount was credited to him in the treasurer's accounts as of February 23, 1694-5.*

In the last section of the tax act passed at the fourth session of the Assembly this year, a clause was inserted declaring the “approbations and allowances,” past and future, by the General Assembly, of the province treasurer's accounts, “shall be to the treasurer a full and final discharge.”

Chap. 22. This chapter is from council records, vol. VI., p. 412. It has not been found in the archives.

Chap. 23. This chapter is from council records, vol. VI., p. 413. It has not been found in the archives.

Chap. 24. This chapter is from council records, vol. VI., pp. 408 and 413.

This address has not been found either in the archives or in the Public Record Office.

Chap. 25. This chapter is from archives, vol. 62, p. 38. It is preserved in council records, vol. VI., p. 413.

The committee appointed by chapter 5, *ante*, made a report on the twenty-fourth of

* See chapter 53, *post*, and note.

June. Although this report has not been found, the substance of the recommendation made therein is probably embodied in this chapter.

Chap. 26. This chapter is from council records, vol. VI., p. 414. It has not been found in the archives.

Chap. 27. This chapter is from council records, vol. VI., p. 414. It has not been found in the archives.

Chap. 28. This chapter is from council records, vol. VI., p. 415. It has not been found in the archives.

Chap. 29. This chapter is from archives, vol. 70, p. 256. It is preserved in council records, vol. VI., p. 415.

A letter to Governor Fletcher from Queen Mary,* dated at Whitehall, August 21, 1694, and signed by Sir John Trenchard, principal secretary of state, communicated her royal pleasure that the other English colonies and provinces in North America contribute to the raising of a force for the defence and security of the province of New York. This letter was intended to replace an order of October 11, 1692, signifying the royal will in regard to the same object but leaving the adjustment of the quotas of the respective colonies to the determination of a congress. By this latter order the several quotas, except that of Connecticut, which had already been fixed by the crown,† — and notice thereof communicated, — were apportioned by the crown, as follows: —

“We have further thought fitt to signify Our Will and Pleasure . . . to Our severall Provinces and Colonies of the Massachusetts Bay,” etc., . . . “that a Quota not exceeding Eighty men with their Officers, or the Value of the charges of maintaining the same by our said Province of Pensilvania, three hundred and fifty men of the Militia of our Province of the Massachusetts Bay, one hundred and sixty men of our Province of Maryland, two hundred and forty men of Our Colony of Rhode Island and Providence Plantation be the Measure of assistance to be given by our said Provinces and Colonies respectively for the defence and Security of our said Province of New-York, Which said Quotas of men or other assistance, We have required and Commanded the said William Pen, together with Our Govern^r or Commander in Cheif of our said Provinces and Colonies respectively upon your application to provide and send to be [under] your command and direction for your assistance in the defence of our said Province of New York.” — *Documents Relating to the Colonial History of the State of New York*, vol. IV., p. 111.

In addition to this force of militia, a detachment of two companies of soldiers from the regular army besides those already sent to New York had been promised as auxiliaries. Late in the spring these companies which were to embark for Boston were anxiously expected both there and at New York. During the whole of this period Fletcher and Stoughton maintained a frequent correspondence in relation to the movements of the enemy and the measures to be taken by the English for aggression and defence. On the thirteenth of May, Fletcher reported that the French and Indians had lately “shed some Christian blood” on the frontiers, “and carried away one or two prisoners,” and he expressed the hope that the two companies of regulars had arrived, adding, “I do not question your care in forwarding them hither.” On the twentieth, Stoughton reported that the Hope, one of the mast-ships, arrived on the fourteenth, bringing the two companies of foot destined for New York, together with despatches from Whitehall. The latter Stoughton forwarded by the post; and of the former he wrote “in obedience to her Majtys Commands I have received on shore and billeted out and made sutable provision for the Sick men; And have ordered the takeing up of vessells for their transportation into yor Province, which will be all in readiness within a day or two, if the Newport arrive as I Expect to take them under her Convoy; I shall do all yt is possible for their speedy dispatch.”‡

To this letter from Stoughton, Fletcher replied on the twenty-seventh, as follows: —

“Sir

I am very thankfull to you for the good news of the arrivcall of these forces and for yor care of them. I shall be just to you in reporting the same to your advantage. I hope they are on their way heither. I have received an order to command three hundred & fifty men from yor Province. I shall be very cautious & wary of giving the trouble but in case of absolute necessity. I have intelligence of the 15th instant from Albany that Count Frontinac is making preparations against Albany & Onondage. I pray for the continuation of Yor correspondence which is very acceptable. Our shipping are not so frequent but shall not be wanting to communicate what offers

I am Sir

Yor humble servant

N Yorke May 27th 1695

BEN FLETCHER.” — *Mass.*

Archives, vol. 2, p. 403.

Stoughton replied on the tenth of June, but carefully avoided any mention of the quota of militia which Fletcher expected from Massachusetts. The following is his letter: —

“Sir

I have been very Sollicitous to dispatch away the two companys of Souldiers into yor Province, who have not been delayed further than was necessary, for the receiving to send with them the remaining provisions and stores which came out of England and their

* Acting monarch while King William was on the continent.

† At one hundred and twenty men.

‡ *Mass. Archives*, vol. 2, p. 401.

abiding here has been of very great advantage to refresh them & recover the health of those yt were Sick, which was no small part of them; they have been Embarked on Four seāal vessells three days since and are awaiting a fair wind to Sayle under y^e convoy of his maj^{ty}s Frigatt the Newport. I have no late fforreign Intelligence, Several ships are arrived from Barbados and the West Indies. the ffrench Snow wch was lately taken in the Bay of Fundy by the Sorlings is still missing, and to be feared she is cast away, having very bad weather & no Skilful Pilot on bord. I have again assigned the Sorlings to that Station, to looke out for a store ship expected from France, which if She happen to Surprize, their Supplys will be cut off, and I hope I shall be thereby Enabled to oblige both y^e French and Indians in those parts to fair Terms most of the Indian Sagamores came lately in to Pemaquid brought with them Eight English Captives which they deli^{vd} up have promised to bring in y^e rest, and desire that Comission^{rs} may be sent to meet them at Pemaquid, where they say they will agree to what shall be reasonably demanded of them, and do dis Owne the outrages and mischiefes committed the last year, as not Engaged or concerned therein, thō. not to be credited over far; I am perswaded to thinke, that the distresses they have been under by Sickness & otherwise and the regard they have to their Prisoners here, puts them upon the present application, I am certainly Informed that since December last they have lost one hundred and twenty persons or more by Sickness which continues among them, I shall give yor Excy. an accompt of y^e issue of the meeting with them. and return you thanks for the Intelligence in yor^s of the 27th past.

I am Sr

Boston. June. 10th 1695.Yor Excy^s most humble servant.

W. S.

Gov^r Fletcher." — *Ibid.*, p. 404.

Fletcher wrote again on the seventeenth of June as follows:—

"Sir

I have received Yor^s of the 10th instant I give you my hearty thanks for yor care of the forces, & for yor intelligence I hope the ship you send to the bay of Fundy will have good successe against that store ship That the ffrench & Indians of those parts may be reduced to Yor own terms./

I send inclosed a Copy of the latest intelligence I have from the fronteers of this Province./

The two Companys arrived here yesterday one small sloop with stores not yet come up I am taking care to dispatch them forthwith to the ffronteers and to gett what forces I can together to prevent the settling of Cadaracqui by the ffrench I hope You will not be wanting to expedite your quota assigned by her Matye which I do apply my selfe to you for, for the withstanding of the enemy who are drawing out all their force they can spare to possesse themselves of that ffort I shall not be wanting in communicating what offers

I am Sir

Yor humble servant

[N Yorke June 17th 1695*]BEN FFLETCHER." — *Ibid.*

This is the letter referred to in the preamble to this chapter. Stoughton's reply communicating the vote of the Assembly, and which appears to have been dated the first of July, has not been found; but it elicited from Fletcher the letter of the twenty-second of July, which is given, in part, in the note to chapter 38, *post*.

On the twenty-ninth of May, Fletcher wrote to the Lords of Trade,—

"Just now comes advice from Boston of the arrival of the two Companies of Grandiers there, I humbly beg your Lords^{ps} the subsistence of the four Companies be punctually paid and an añuall Supply of Stores sen[t] over, I am obliged to furnish with ammunition the Country Fusiliers upon the Frontiers and the Indians that are dayly sent out in partyes as well as the Companies upon the establ^{mt} of England."†

In the same letter he communicated intelligence he had received in a despatch from Albany, that the Governor-General of New France was preparing for a "great designe against Albany or Onondage;" that some of the Indian allies of the French had sounded him to know if he intended to make peace with the Iroquois, and had ascertained that his professions of that purpose were insincere; and that he was intending "to resettle Cadaracqui" (now Kingston, Ontario) so as "to be nearer, to annoy the fine Nations" and to assist his Indian allies. That this intelligence was also transmitted to Boston appears from the existence in the state archives‡ of a contemporaneous copy of the despatch.

For further particulars relating to the quotas required of the several colonies, and the action of Massachusetts in response to the orders of the Privy Council concerning the raising of a force to be commanded by Fletcher, see chapter 38, *post*.

Chap. 30. This chapter is from council records, vol. VI., p. 416. It is preserved in archives, vol 40, p. 328.

Ray's first account is given in the note to chapter 56 of the resolves of the year 1694–5. The following is the account approved in this chapter:—

* Illegible; but thought to be as above.

† Documents Relating to the Colonial History of the State of New York, vol. IV., p. 119.

‡ Mass. Archives, vol. 2, p. 403.

BOSTON IN THE PROVINCE OF THE MASSACH^{TS} BAY

| 1693/4 | | The Account of Powder money is Dr | | u | s | d |
|--|-----------------|---------------------------------------|---|-----------|----|----|
| february | 5 th | To Cash paid m ^r Treasurer | . | 50 | .. | .. |
| July | 18 | To Cash paid m ^r Treasurer | . | 25 | 5 | .. |
| Decemb ^r | 25 | To Ditto paid — Ditto | . | 50 | .. | .. |
| June. | 7 | To Cash paid m ^r Treasurer | . | 25 | .. | .. |
| | 25 | To more paid — Ditto | . | 15 | 7 | 8 |
| | | | | £165 12 8 | | |
| To my Comission Ψ receiveing £174.7.0 & paying the sume | | | | 8 14 4 | | |
| above mentioned at 5 Ψ c ^t | | | | £174 7 .. | | |

| 1693 | | Ψ Contra — is — Cr | | u | s | d |
|----------------------|-----------------|----------------------------------|---|----|----|----|
| July | 4 th | By Thomas Bennet. | Ψ Ketch Endeavour. | 2 | .. | .. |
| | 26 | By John Ward . . | Sloop Boniree | 1 | 15 | .. |
| Aug ^t | 1 st | By John Edwards . | Pink Samuel & Eliz ^a . | 3 | .. | .. |
| | 22 | By Timo: ffancis . | Sloop Blessing | .. | 14 | .. |
| | 23 | By John West . . | Ship Society | 5 | .. | .. |
| | 24 | By Thomas Morris . | Pink Mary & Hanah . | 4 | 10 | .. |
| | 25 | By Nicco: Spencer . | Sloop Goodluck | 1 | 2 | .. |
| | 28 | By Peter Garland . | Sloop Nonsuch | .. | 15 | .. |
| Septemb ^r | 2 | By James Philbrick | Brig ^t Adventure | 1 | .. | .. |
| | 8 | By Edward Collins . | Sloop Newport | .. | 16 | .. |
| | 12 | By Samuel Kelly . | Ship Hope | 7 | 10 | .. |
| | 16 | By Christo: Lewrson | Sloop Hunter | .. | 16 | .. |
| Octob ^r | 13 | By John Stevens . | Sloop Swan | 1 | 5 | — |
| | 18 | By Edward Pell . . | Ship America Mercht . | 5 | 10 | .. |
| Novemb ^r | 24 | By Jos: Ball . . . | Ship Kent | 9 | .. | .. |
| Decemb ^r | 5 | By Thomas Abbott . | Ketch Prosperous . . . | .. | 9 | .. |
| | 26 | By Thomas Brooks . | Sloop Two Bro ^{rs} | .. | 15 | .. |
| January | 18 | By John ffoster . . | Ship Princes Ann . . . | 4 | 5 | .. |
| | 20 | By Simon Stoakes . | Pink Katherine | 3 | 15 | .. |
| 1694 | | | | | | |
| March | 14 | By Christo: Lewrson | Sloop Hunter | .. | 16 | .. |
| | | By W ^m Booth . . . | Sloop ffreindship . . . | 1 | .. | .. |
| | 16 | By Rob ^t Hicks . . | Brig ^t freinds Advent ^r . | 1 | 15 | .. |
| | 22 | By Derrick Adolph . | Sloop Mill | 1 | .. | .. |
| | 28 | By Tho: Brooks . . | Sloop Two Bro ^{rs} | .. | 15 | .. |
| | 29 | By Rob ^t Carr . . . | Sloop Hopewell | .. | 16 | .. |
| April | 4 | By Nicco: Garrett . | Sloop ffortune | 1 | 15 | — |
| | | By Ja: Philbrick . | Brig ^t Adventure | 1 | .. | .. |
| | 9 | By Simon Grover . | Sloop Prim Rose | 1 | .. | .. |
| | 10 | By Edward Petty . | Sloop Discovery | 1 | .. | — |
| | | By Rich ^d Christopher | Sloop Supply | .. | 15 | .. |
| May — | 9 | By Samuel Moar . | Sloop Goodluck | 1 | 2 | .. |
| | 14 | By Tho: Brooks . . | Sloop Two Bro ^{rs} | .. | 15 | .. |
| | 19 | By John Bryant . . | Sloop Parham | 1 | 5 | .. |
| | 29 | By Edward Petty . | Sloop Discovery | .. | 15 | .. |
| | | By Tho: Young . . | Sloop Turtle Dove . . . | .. | 12 | .. |
| June | 2 | By Ja: Philbrick . | Brig ^t Advent ^r | 1 | .. | .. |
| | 4 | By Ju ^z Hopkins . . | Sloop Blackmore | 1 | 10 | .. |
| | 7 | By Nath: Parkman . | Sloop Bettce | 1 | .. | .. |
| | 26 | By Simon Grover . | Sloop Prim Rose | 1 | .. | — |
| | 28 | By Christo Lewrson | Sloop Hunter | .. | 16 | .. |
| July — | 3 | By Joseph Stroud . | ship Goodfreinds . . . | 4 | .. | .. |
| | 20 | By Tho: Brooks . . | Sloop Two Bro ^{rs} | .. | 15 | .. |
| | 23 | By W ^m Booth . . . | Sloop ffreindship . . . | .. | 16 | .. |
| | | By Tho: Young . . | Sloop Turtle Dove . . . | .. | 12 | .. |
| | | By Edward Petty . | Sloop Discovery | .. | 15 | .. |
| | | By John Christopher | Sloop Supply | .. | 15 | .. |
| | | By Timo: ffancis . | Sloop Morning Starr . | .. | 15 | .. |
| Aug ^t | 1 st | By Christo: Lewrson | Sloop Hunter | .. | 16 | .. |
| | 7 | By Benja Provost . | Sloop Swan | .. | 18 | .. |
| | 8 | By Benja Norwood . | Bark New York | 2 | 10 | .. |
| | 10 | By Andr: Love . . | Ketch Dove | 1 | 14 | .. |
| | | By Jos: Chase . . | Brig ^t Adventure | .. | 12 | .. |
| | 31 | By Jona: Varry . . | Sloop Releife | .. | 18 | .. |
| Sept ^r | 20 | By Tho: Purdee . . | Sloop Dolphin | .. | 12 | .. |
| | | By Peter Britaine . | Sloop Trnelove | .. | 12 | .. |
| | 24 | By Edw ^d Petty . . | Sloop Discovery | .. | 15 | .. |
| | | By Cartret Gillam . | Sloop Supply | .. | 15 | — |
| | | By Christo: Lewrson | Sloop Hunter | .. | 16 | — |
| | | By Ja: Whetcomb . | Sloop Eliz ^a & Ann . . . | 2 | 14 | — |
| | | By W ^m Booth . . . | Sloop ffreindship . . . | .. | 16 | .. |
| | 26 | By Edw ^d Milberry . | Ship Seahorse | 5 | .. | .. |

| 1694 | | Ɔ Contra — is — Cr | u | s | d |
|--|-----------------|--|--|--------------|------------|
| Octob ^r | 8 | By Nicco: ffrench | Ship Lyon | 6 | - |
| | 9 | By Benj ^a Gillam | Ship Prud ^t Sarah | 10 | .. 4 .. |
| | 18 | By Ja: Philbrick | Brig ^t Adventure | .. | 18 .. - |
| | 19 | By Abra: Santfort | Sloop ffancis | .. | 12 .. - |
| | | By John Moll | Sloop Two freinds | 1 | - |
| Nov: | 27 | By Henry Gravenrad | Sloop Seaflower | .. | 12 .. |
| | 3 | By Jacob Allen | Barke Rob ^t | 2 | - |
| | 5 | By Jonas Green | Sloop Two Bro ^{rs} | .. | 15 .. - |
| | | By Simon Grover | Sloop Prim Rose | 1 | - |
| | 9 | By Tho: Searle | Brig ^t Effingham | 1 | |
| Dec ^r | 17 | By Simon Smith | Sloop Charles | 1 | |
| | 11 | By John Addams | Sloop Hope | 1 | .. 10 .. |
| | 14 | By Edw ^d Green | Ship Eagle | 5 | |
| | 18 | By Jona: Dows | Ketch Endeavour | 2 | |
| | 22 | By W ^m Carket | Ship W ^m & Mary | 4 | |
| Jan ^y | 14 | By Jonas Moates | Ship Endeavour | 3 | .. 10 .. - |
| ffebry | 27 | By Tho: Elbridge | Ship Nathaniel | 2 | .. 10 .. |
| 1694/5 | | | | | |
| March | 1 st | By Thomas Purdey | Sloop Dolphin | .. | 12 .. |
| | 13 | By Peter Garland | Brig ^t Adventure | 1 | |
| | 27 | Benj ^a Provost | Sloop Swa ⁿ | .. | 18 .. |
| | 29 | Benj ^a Blagg | Sloop Blessing | .. | 15 .. |
| | | By Tho: Prince | Brig ^t Martha | 2 | .. 14 .. |
| Aprill. | 2 | By Edw ^d Petty | Sloop Discovery | .. | 15 .. |
| | 10 | By Jonas Green | Sloop Two Bro ^{rs} | .. | 15 .. |
| | 23 | By Nicco: Cole | Brig ^t ffreindship | 2 | .. 5 .. |
| | 29 | By Henry Gravenrad | Sloop Elizabeth | .. | 12 .. |
| | | By Tho: Youngs | Sloop Mary | .. | 15 .. |
| May — | 30 | By Rich ^d Christopher | Sloop Supply | .. | 15 .. |
| | 4 | By Simon Grover | Sloop Prim Rose | 1 | |
| | 17 | By Steph: Bullock | Sloop Two Bro ^{rs} Advent ^r . . | .. | 18 .. |
| June | 8 | By Abra: Santfort | Sloop Jacob | .. | 12 .. |
| | | By Lucus Keirstead | Sloop Rachell | 1 | |
| | 25 | By W ^m Wallis | Ships Hope & Beare butt ½ Tunage Ɔ Ord ^r Gen ^l Court | 12 | .. 10 .. |
| | | | | £174 .. 7 .. | |
| Error ^s Excepted June 25 th 1695 | | | | | |
| Ɔ W ^m WELSTEED Naval Officer — <i>Mass.</i> | | | | | |

Archives, vol. 62, p. 32.

His commission, five per cent of the footing of the above account, therefore, would be £8 14s. 4 1/5d.

The last item charged to the province treasurer in this account was a balance of £15 7s. 8d. The account also contains a charge to the treasurer of twenty-five pounds paid June 7th; and between that date and November there was another similar payment. The treasurer gives him sundry credits including one for £65 7s. 8d. for money received between the twenty-ninth of May and the first of November, 1695.* So the accounts agree.

Chap. 34. This chapter is from archives, vol. 48, p. 255. It is recorded in council records, vol. VI., p. 417.

The order for paying this allowance was passed by the Council August 8, 1695,† and the amount stands credited as a payment in the treasurer's accounts.‡

Chap. 35. This chapter is from council records, vol. VI., p. 417. It is preserved in archives, vol. 101, p. 31.

John Waite appears to have been of Boston. Possibly he was the son of Richard, who, though for a time in ill-repute on account of his Antinomian proclivities, was a prominent inhabitant of Boston, a soldier and public officer, being at one time marshal of the colony. Waite appears to have owned a building convenient for storing grain, and to have derived an important part of his income therefrom, as rent. His claim for compensation is set forth in the following petition and account which he presented to the Legislature in the last session of 1694–5:—

“To his Excy Sr William Phips Knt Capⁿ Gen^l and Governor in Cheife of their Maj^{ties} Province of the Massachusetts Bay in New England, and to the hon^{ble} Gen^l Assembly now Sitting in Boston

The Petition of John Waite in humble manner Sheweth /

That the Late Treasurer John Phillips Esqr Employed yor Petition^r to take up Sundry Ɔcells of graine brought in from the Country and agreed with yor Petiti^{or} to allow him the Customary Storeage att one penny Ɔ bushell for the first month, and one halfe penny Ɔ bushell for the Ensuing months while it lay in my Store.

That upon the said late Treasurers Rendring his acco^{ts} to this hon^{ble} Assembly he demanded my acco^t of the graine in my hands which accordingly I gave him Coppy whereof is hereunto annexed.

And Yor Petic^{on}^r is informed that the said Treasurer hath debited the Country with butt Twenty Seven pounds Eleven shillings 11^d allowed him for all the charges on the said Graine, w^{ch} is not one half of what is Justly his due and the acco^t herewith Exhibited

* *Mass. Archives*, vol. 122, p. 60.

† *Executive Records of the Council*, vol. 2, p. 358.

‡ *Mass. Archives*, vol. 122, p. 63.

makes, being, the ballance fifty Six pounds three shillings 8^d in which yor poore petition humbly supposes he hath great wrong don him, and that it was not in the power of the said Late Treasurer to cutt off soe considerable a summe from his accot nor just considering it is and hath been the Custome amongst the Storehouse keepers time out of minde to be allowed as yor Petition^r charges.

And Yor Petition^r being poore and haveing Little to depend on but the ffrugall improvement of his store roome humbly prayes of this hon^{ble} Assembly that they would take the matter into consideracōn, and If they think it proper, to allow him a proportionable recompense upon y^e Ballance of his accot, which will inable him to pay his publick charges cheerfully and oblige

Yor Petition^r to pray &c

JOHN WAITE." — *Mass.*

Archives, vol. 101, p. 30.

| | | COUNTRY TREASURER is | | D ^r | | | |
|---------|--|--|--------|----------------|----|----|----|
| | | | bush. | " | s | d | |
| 1691 | Feb. 8. | To Goodm Williams P ^r ord ^r Mr Jos. Parson | Indian | 40½ | | | |
| | | To him | pease | 4½ | | | |
| | | To measureing | | | | | 6 |
| | | To his Negro | pease | 3 | | | |
| | | To Mr Jos Parsons | pease | 63½ | | | |
| | | To measureing | | | | | 9 |
| | | To Mr Jos Parsons | pease | 176 | | | |
| | | To Cap ⁿ ffayreweather | pease | 8 | | | |
| | | To measureing | | | | 2 | 3 |
| 1692 | To an Eastward sloop | P ^r ord ^r | pease | 1 | " | " | - |
| March 7 | To Cap ⁿ ffayreweather | | pease | 12 | " | " | |
| | To Major Phillips | | pease | 2 | | | |
| | To Mr Jos Parsons & Lt W ^{ms} | | pease | 100 | | | |
| | To Porterage | | | " | " | 1 | 3 |
| 1693 | To John Waite | | pease | 1 | | | |
| Augt. 8 | To Lt Williams | | pease | 66½ | | | |
| | To Major Phillips | | pease | 2½ | | | |
| | To Porterage | | | " | " | 1 | - |
| | To Storehouse roome of 1350 bush one month | | | | | | |
| | att 1 ^d | | | | 5 | 12 | 5½ |
| | To Porterage Inward att 6 ^d a score | | | | 1 | 13 | 9 |
| | To Storage of the abovesaid pease for 2 yeares in y ^e whole | | | | | | |
| | att ½ P bushell P month 23 monthes | | | 64 | 13 | 3½ | |
| | | | | 72 | 5 | 2½ | |

Nothing Charged for Storehouse for y^e 3^d yeare

| | | P ^r CONTRA C ^r | | bush | | | |
|---------------------------|----------------------------------|--|--|--------|-----|----|---|
| | | | | | " | s | d |
| 1691 | June. 26 | Rec ^d from on Board Lathrop | | pease | 40½ | | |
| | 27 | Recd from Mr Prince | | pease | 290 | | |
| | | Recd from him | | Indian | 37 | | |
| | | Rec ^d more | | Rye | 72 | | |
| Augt. 18 | Rec ^d of him | | | Indian | 96 | | |
| Octo. 2 | Rec ^d of John Lathrop | | | Indian | 45 | | |
| | 9 | Recd of Thomas Lathrop | | pease | 100 | | |
| | | Rec ^d more | | Indian | 104 | | |
| | 20 | Rec ^d of Anthony ffry | | pease | 200 | | |
| | | Rec ^d more | | Indian | 150 | | |
| | | Rec ^d more Rye | | | 65 | | |
| Novr 3 | Rec ^d of Simon Grover | | | pease | 150 | | |
| | | | | 1349½ | | | |
| | | By one Bushell of Pease to my self — | | " | s | d | |
| | | — more 100 bush Indian | | 10 | " | " | - |
| | | — more 36 bush Indian | | 3 | " | 12 | " |
| | | — more 1 bush Rye | | " | " | 3 | " |
| | | — more 13½ bush Indian | | 1 | " | 7 | 6 |
| | | — more 6 bush pease att 3/2 ^d | | " | 19 | " | - |
| | | | | £16 | " | 1 | 6 |
| | | | | 56 | " | 3 | 8 |
| Due to Ballance | | | | £72 | " | 5 | 2 |

Errors Excepted P^r JOHN WAITE." — *Ibid.*, p. 32.

Upon this showing, on the fifteenth of March, 1694-5, the House voted that Waite be allowed the sum of thirty pounds, money,* but this vote does not appear to have been concurred in by the Council.

The subject was brought up again this year when the following vote was passed by the House and concurred in by the Council on the same day :—

“ June 28th 1695 That John Waite be paid Twelve Pounds out of the Treasury more then he hath already Rec^d, and is to be in fnll for Storeidge of Contry graine that he formerly Rec^d & delivered P^r order of the late Treasurer (m^r John Phillips).” — *Ibid.*, p. 31.

The order for paying the twelve pounds aforesaid passed the Council August 8, 1695,† and the treasurer's accounts show that it was paid.‡

* *Mass. Archives, vol. 101, p. 30.*
† *Executive Records of the Council, vol. 2, p. 353.*
‡ *Mass. Archives, vol. 122, p. 63.*

Chap. 36. This chapter is from council records, vol. VI., p. 417, and archives, vol. 40, p. 321.

By order of the Council, solely, Checkley received an allowance of sixty pounds in November, 1693. This infringement of its privilege the House at first resented but finally condoned, as shown in the note to chapter 9 of the resolves of 1693-4. Checkley now applied again, as he had before, by petition to the whole Assembly, for additional compensation.

His petition was as follows:—

“To the Great & Generall Court now Sitting in Boston May 29th 1695. The Petition of Anthony Checkley

Humbly Sheweth.

That in the Yeare 1689. I was Chosen Atturney Generall to their Maj^{ties} King William & Queen Mary & in that place have Continued to this day being Comitionated by the Late Governour Sr William Phipps Knight by & with the Consent of the Council In which place I have acted with Integrity, according to the best of my Capacity wherein I have mist it I begg your Pardon, & pray you to Impute it to the discouragements I have Laboured under, The work hath been very arduous, and very Expensive I have not had Competant allowance for my Expence & Trouble, I have been a great many Journys to the Courts of Oyer and Terminor & Courts of assize. at Salem, Ipswitch, and Bristoll, which have cost a great deale of time & Expence besides the Courts at Boston, Charles-town, & Cambridge, and have not eat the Kings bread but have born my own expence about the Kings buissiness for the Space of six years past. I was allowed two years since Sixty Pounds for which I am thankfull But my Expences mounted to more then that Sum for that four years, and count nothing for my time & trouble and my Rates was Required of me besides, I paid nine Pounds for a Rate which was made a Little before my Houses was burnt; which would not be Remitted notwithstanding my Great Loss which if it had not been I should not have been precarious at this time I should have been willing to Serve my King & Country with my Person & Estate without fees or Sallory had I not been made Less able by the Providence of God taking away so much of my Estate by fire, and when I Consider you are the Fathers of the Comon Wealth & that you are more able to give your Childrien then they to give to you It is some Incongruement to me to put Up my humble Request to this Honorable assembly at this time which is.

That You will please to make me Such allowance as may compensate the Expence and trouble I have Sustained in his maj^{ties} & the Countrys bussiness since I have acted in that Station of attorny Generall which will Oblige me gratefully to acknowledge your favor, and hartily to pray for your Prosperity, and Cherfully to Receive and obey your future Comands and to be Your faithfull humble Servant.

ANTHONY CHECKLEY.” — *Mass.*

Archives, vol. 40, p. 324.

The vote on this petition was passed by both branches on the same day, and is given, *verbatim*, in this chapter, with the addition of a preamble by the Secretary.

The order for paying the allowance passed the Council July 22, 1695,* and, accordingly, an item of twenty pounds paid to Checkley appears in the treasurer's accounts.†

Chap. 37. This chapter is from archives, vol. 48, p. 256. It is recorded in council records, vol. VI., p. 418.

Chap. 38. This chapter is from archives, vol. 70, p. 259. It is recorded in council records, vol. VI., p. 419.

In Fletcher's letter of July 22, 1695, to which reference has been made in the note to chapter 29, *ante*, he cited the queen's directions respecting the quotas‡ of men and “other assistance” to be contributed by the neighboring governments for the defence and security of the province of New York, as shown in the note aforesaid, and added, —

“It will appear by the genuine sense of these words if the circumstances of Your Province be such that men cannot be spared the other assistance is expected which I now apply my selfe to you for by which some part of our heavy burthen may be lightened in the repairing or rebuilding our Fortifications on the frontiers which his Majesty commands to be built of stone and which if it can be effected will conduce much to a generall security

I am concerned to finde how litle influence the Royall Commands have over his Maties subjects in this part of the world and doubt a positive non compliance in New England may be presidentall to all the rest and so defeat his Maties gracious intentions for the reliefe of this Province and security of all

I must discharge my duty in applying to you for that other assistance to which I desire your answer that I may give an account accordingly

I have sent new orders to prohibite Our Indians from hunting on your frontiers and do assure you I shall be alwayes ready personally and with what fforce I can spare to march where the King service calls as much for the defence of Your Province As for this which is my particular care I am Sir

Your humble servant

BEN FLETCHER.” — *Mass.*

Archives, vol. 2, p. 405.

* Executive Records of the Council, vol. 2, p. 348.

† *Mass. Archives*, vol. 122, p. 65.

‡ The quotas of 1694, as given by the Lords of Trade, in their letter of February 9, 1696-7, to the Governor and Company of Rhode Island differ materially from the apportionment quoted from the “Documents Relating to the Colonial History of the State of New York” in the note to chapter 29, *ante*. See Rhode Island Colonial Records, vol. III., p. 321.

This is the letter mentioned in the preamble to this chapter. Stoughton replied on the twenty-fourth of August, as follows:—

“Sr

I defer’d my answer to yor^s of the .22.ond of July past, until after the sitting of the General Assembly, who met the middle of this month w^h I communicated unto them your application for other assistance (if men could not be spared) for easing of the charge in repairing or rebuilding the fortifications on the Frontiers of yor^e Province, The Assembly have represented to me the very low state of the Treasury, and y^e exceeding difficulty of raising supplies necessary to answer the demands there for defraying of the standing and growing charges of the Province to preserve his majtys Interests within the same, and that they cannot afford the assistance desired the people here groaning under their heavy and almost insupportable Taxes; very many being rendred utterly incapable to contribute towards the publick charge, the Enemy pressing so hard upon them, obliges them to be constantly upon their Guard; whereby they are taken off their occasions for the necessary support of themselves and Familys. I am more and more sensible of the difficult circumstances of his Majtys subjects here, and the unavoidable advantages the Indians have of surprizing them and destroying their Estates, more especially at this season of the year when their business lyes in the Field to take care of their harvest; which in great part in many of the Frontiers will be inevitably lost. A party of Indians about a Fortnight since came over Merrimack River neer unto Bilrica a Town not above ffourteen or ffifteen miles distant from this place, and sheltring themselves in a great swamp, watched their opportunity surprized a man at worke in his Field, ki’d him, and then made up to his house, which was somewhat remote from the body of the Town but a good Fortification about it, the men belonging to it being all abroad the Indians got in, burn’d the house, ki’d and carried away nine or Ten women and children, also entred another house neer by & ki’d a man lying upon his Bed, about the same time another party appeared at the Fort at Saco, ki’d one of the serjeants that was without the Fort not above musquet shot from the Walls, others are discovered sculking about most of the out Town’s; Yesterday the Indians appeared again at Bilrica, thus are the Town’s frequently alarm’d with them, and others ca’d out to their Assistance, there is at this time more than two hundred men that are scouting about y^e Woods for the discovery and repelling of the Enemy; besides some hundreds that are under constant pay We are also infested with a French privateer Barque and some shallops, that have within a few days surprized several of our Fishing shallops, and yesterday tooke a Fishing Barque high up within this Bay; which is an excellent sayling vessell and very roomy, and if fitted as a Privateer will be likely to do a great deal of damage among the fishery and coasting vessells. his majtys two Frigatts sent to y^e Bay of Fundy to cruise for the French man of War with whome Cap^{ne} Emes lately had an Engagem^t are return’d haveing an acco^t yt y^e French ship staid not there above Eleven days. was gone more than a Fortnight before their coming; being as is supposed designed for a convoy to the Plesentia fleet.

here is no late Intelligences from Europe, the west Indies or other parts abroad, thō. ships are daily expected to arrive from England God grant we may hear of some good action and success both in y^e Army and Fleet. I pray the refreshm^t of yor^e Excy^s order to the Albany Indians to give stop to their intercourse of Trade and resort to y^e Western Towns of this Province; who find many inconveniences thereby, and cannot distinguish betwixt them and the Enemy w^h in y^e woods, or about the Town’s; which occasions their being often alarm’d, and hinders their pursnit of y^e Enemy, and are not without fear’s that they receive supplies from them I am

Boston Aug^t 24th 1695.

Your Ex^{cy}s Humble serv^t

W S.” — *Ibid.*, p. 406.

Fletcher having abandoned all expectation of a reënforcement, or supplies of war, from Massachusetts, which the military situation on her eastern and northern frontiers rendered impracticable, bent his efforts to procure from her, valuable assistance of another kind. On the first of September he received an account of certain propositions which had been made by some influential chiefs of the Mohawk country, to the mayor, recorder, and aldermen of Albany, as follows:—

| | |
|-----------------------------|---|
| “Present | Propositions made by tenn principle Sachems of the Mohaq;s |
| Jn ^o Abelc Mayor | Countrey in the Court house at Albany the 28 th day of August |
| Maj ^r Wessells | 1695 |
| Evert Banker | Brother Caÿenquiragoe* |
| Jacob Staets | We are come to acquaint yor ^e Excell with the message directed |
| Jan Jans[s]e Ble[e]ker | to us from the upper nations how things goe there we have sent |
| Albert Ryckman | you some of our young men before to have a post ready that our |
| | propositions might be sent to yor ^e Excell with all speed./ |

Brother Caÿenquiragoe

The Governour of Canida hath alwayes desired to speake of peace with the five nations and that he would come so farr as Cadaracqui but now we see it is a false designe for now we bring a token from the five Nations whereby we acquaint yor^e Excell that it is certaine that the Governour of Canida hath kindled his fire at Cadaracqui again and is busy to repair the walls now I speak from Dekanitsore Captain of Onondage who desires the 30 soldiers were promised to him formerly to ly in Garrison at Onondage do give a belt of wampum 16 deep.

Brother Caÿenquiragoe

Our Covenant is so that we have continually concluded to assist one another upon all Occasions as we have shown this summer it is yor^e Excell direc^{ti}on that we always should have our eyes upon Cadaracqui that no body should make any settlement there again now the Governour of Canida hath made his fire and is repairing the walls there now brother

* A name signifying “the great, swift arrow,” given to Fletcher by the Indians after his rapid ascent of the Hudson at the head of three hundred men, to repel Frontenac’s attack on the castles of the Mohawks, in February, 1693. See note to resolves, 1693, chapter 7.

Cayenquiragoe give notice to New England and all the brethren that are in covenant with us and come up with five hundred men and Cannon and let us goe hand in hand to see what the Enemy do at Cadaracqui and we will make our Cannoes ready to assist you in carying up yor artillary over the carying place there is a party of thirty Onondages to spy and watch the mocōn of the enemy the french. do give a belt of wampum 15 deep one halfe for this Government and the other halfe for the Government of New England whereby they desire his Excell to give notice to the Gentl of New England that the Onoungoes are gone up with the french to Cadaracqui and now there is a very good opportunity to do mischeife in their parts by their Indians./

Brother Cayenquiragoe

The message is come to our hands by the upper Nations we do now acquaint yor Excell Cayenquiragoe therewith desiring yor Excell to sett it forward & acquaint all the rest of the brethren in Our covenant to put their hands to it as the Oneýdes already have sent their messengers to the Indians of the southern parts called Rondoges and others that they must come to their assistance do give a faddom* wampum/

Brother Cayenquiragoe

The letter with the belt of wampum that was brought up this spring by Sadekanatie and Dekanitsore was shown to us all the five Nations and was well accepted do give 1 faddom of wampum./

We asked them further if there had been any partys of the upper nations out down the river Cadaracqui they answered there have been 150 in Company bound for Canida but met with a Company of the Waganhaes and took tenn prisoners the rest escaped so our Indians returned and burnt nine of them

A true Copy

DAVID JAMISON *Cl Concilij.* — *Ibid.*,

vol. 30, p. 369.

A copy of this account and a belt of wampum were forwarded to Stoughton together with the following letter: —

“N Yorke septem^r 2^d 1695

Sir

I have received yors of the 24th past and am sorry for these reasons are offered in excuse of yor Quota of men or other assistance if there is any thing on my part to be done to serve yor Province I hope you will lett me know it /

Yesterday I received the inclosed Propositions from Albany and a belt of wampum sent to you by the Post I am making what dispatch I can to the fronteers where I shall not be wanting in my outmost endeavours for His Maties service the ffort of Cadaracqui is opposite to the middlemost of the five Nations if the french be able to maintaine it 'twill prove of dangerous consequence Its distance from Albany and the difficulty of the way makes it almost impossible to march Christian forces theither Twill be requisite Our Indians have larger encouragement of presents & amuniōn than at other times

If I cannot have men from yor Province I hope you will consider of some assistance in money towards the Charges that are required at this juncture

Sir severall of the new come forces are run some are sheltered in Connecticutt & some gott to yor Province I desire you would issue yor ord^r or Proclamaōn for the taking them up that they be sent back

I have renewed my order to the Indians not to goe neere the bounds of your Province it is seldome they are all at home together so takes some time before they can have all notice I shall have an opportunity when at Albany of speaking to some of them my selfe

I am Sir

Yor humble servant

BEN FLETCHER

N England.” — *Ibid.*, *p. 371.*

The action upon this communication is shown in the following transcript of the executive records of the council: —

“Sept. 18, 1695. Upon reading a letter from His Excellency Benjaⁿ Fletcher Gov^r of the Province of New Yorke of the 2^d curr^t (with a copy of propositions lately made by some of the Principal Sachems of the Maqua's Countrey, and a Belt of Wampam by them presented unto his Majty's Government of this Province) informing that the French of Canada were abt to rebuilt the Fort and settle a Garrison at Cadaracqui, proposing that the several Governments would raise a Force to joyne with the Five Nations to oppose the French and prevent the settlement at Cadaracqui, Gov^r Fletcher intimating in his Letter that it would be very difficult to march Christian Forces thither, and therefore larger presents would be needful at this time to encourage the Indians.

Advised and Ordered: That there be a present made to the s^d Indians to the value of fifty pounds on the part of this Govern^t in such things and manner as Gov^r Fletcher shall direct.

WM STOUGHTON.” — *Vol. 2, p. 363.*

On the twenty-first, Stoughton wrote to Fletcher informing him of this vote of the Council. From this letter the following extracts are all that relate to the subject of this chapter: —

“Sr

I have recd yours of ye 2^d instant with the inclosed Propositions made by some of the principal Sachems of the Maquas Country and Belt of Wampam present^d by them. I am very sensible of the ill consequences that will attend the resettlement of a french Garrison at Cadaracqui, and shall very much rejoyce if by any meanes it may be prevented; yor Ex^cty. intimates the great difficulty, if not impossibility of marching Christian Forces thither, And that it will be necessary the Indians have the larger presents The Council have ordered Fifty pounds, which will be remitted by the next Post to be presented unto the Indians on the part of this Govern^t according as yor Ex^cty. shall direct for the

* *Sic*: fathom.

brightning of the covenant chain and Encouraging them to disrest and prosecute the Enemy, and desire that it may be observed unto them, the kind acceptance of their Belt and their Intelligence concerning the Oneungungo's

Sr I have issued forth a Proclamation relating to the Souldiers, run away from their Posts of the Frontiers within yor Province, forbiding all persons to harbour Foster retain or conceal any of them, and Comāding that they be taken & secured in order to their being returned

I give you thanks for the renewall of yor Order & care taken to prevent yor Indians comeing neer the bounds of this Province." — *Mass. Archives*, vol. 30, p. 373.

The following is a copy of Stoughton's letter transmitting the fifty pounds which in his last letter he promised would "be remitted by the next post:" —

"Boston Sep: ult: 1695.

Sr

According to what I wrote yor Excy; ¶ the last post the 21th currant, I have by this caused to be remitted the fifty pounds. which I intimated in my former, as a present for the Indians on the part of this Governmt hoping that Connecticut and the other Governm^{ts} will do what is proper therein on their part, for Encouragem^t to the Maquas &c^s to disrest and prosecute the Enemy, and prevent their makeing any neerer Settlements; the money is remitted from hence by Cap^{ne} Andrew Belcher, unto the hand of m^r V. Cortland to be at yor Excy's direction, to Serve the occasion aboves^d. Several Vessells are lately arrived here from the West Indies, bring nothing of news other than the takeing of Petit Guavas: nothing has occurred here since my last worthy yor Excy's remarke.

I am. Sr

yor Excy's humble Servant." — *Ibid.*, p. 375.

Chap. 39. This chapter is from archives, vol. 48, p. 257. It is recorded in council records, vol. VI., p. 420. See resolves, 1694–5, chapter 36, and note.

Chap. 40. This chapter is from council records, vol. VI., p. 420. It is preserved in archives, vol. 40, p. 329.

The following is the order in Council, passed November 29, 1695, for the payment of the sums allowed by this chapter:—

"Ordered: That Mr Treasurer do pay unto Thomas Danforth Wait Winthrop and Samuel Sewall Esq^{rs} Justices of the Superiour Court of Judicature and Court of Assize &c^a the sum of forty pounds each for their last years service.

WM STOUGHTON." — *Executive Records of the Council*, vol. 2, p. 370.

This payment has not been found in the treasurer's accounts, owing, doubtless, to the hiatus in the record between November 7, 1695 and November 11, 1696.

Chap. 43. This chapter is from council records, vol. VI., p. 424. It is preserved in archives, vol. 113, p. 124.

The following is the petition upon which this chapter is based:—

"To the Honoured Lev^t Govern^r Conncill, and Representatives assembled Aug 14. 1695 The humble Petition of James Emery Representative for y^e Town of Kittery:

Humbly beggeth this Honoured Court to take into their Serious Consideration the present deplorable Conditions of those Towns of their Government which do lye on y^e NEast Side of Piscataqua River Namely Kittery, York, and Wells who have a long time been, and still are under great Suffering by reason the present wasting Warr; and being brought very low thereby are incapacitated for the discharge of such publique Duty that hath been Imposed upon us.

Wee are not unsensible that tis a Time wherein Taxes lye heavy on our Brethren In other places, and therefore An hard time to begg In, Also wee know that many Towns are Exposed to Danger, Yet there are no Towns in the Province that do tast so deeply of ye Cupp As Wells, York, Barwick *alias* Newitchawannick, who have our Hands much taken from our Labours by watching, Warding, Frequent Alarms, many of us are driven from our Homes, much of our stock is killed by y^e Heathen: many of our able men removed from us, And many thinking of moveing if they knew whither to goe. Haveing many poor widdows Among us, And publique charge growing on us by Several Poor in our own Towns, likewise wee are often necessitated to Releve the Souldiers, And wee daily grow more & more feeble and deplorable: daily walking and working with fear, Trembling & Jeopardy of life, Needing rather to have somthing given to support us, than to have any thing taken from us/

Wee humbly crave Therefore the honoured Court wold consider us And give us Ease by omitting to Impose any Rates upon us till such time Providence shall Inable us, to duty in that matter; Also wee begg That the Honoured Court wold Shew the Same fatherly Compassion to the Upper part of Kittery commonly called Newitchawannick as they have done to our Neighbours of York and Wells, brought very low, and labouring under y^e Same Need for to Support y^e Ministry In that poor place, That so they may not turn heathen but that the Poor may have the Gospel preached among them

which will heartily oblidge Your humble Supplicants

JAMES EMERY

In the behalf

of the rest." — *Mass. Archives*, vol. 113, p. 124.

This petition was read a first time, in the House, on the twenty-first of November, and on the twenty-third it was read a second time, and thereupon the following vote was passed and sent up for concurrence:—

"In ans^r to s^d petition

Voted, y^t ten pounds be allowed for this year If it appear they be supplied with such a minister." — *Ibid.*

This vote the Secretary entered in his records in the form in which it appears in this chapter.

Chap. 44. This chapter is from council records, vol. VI., p. 425. It is preserved in archives, vol. 1, p. 47.

The following is the petition upon which this chapter is based:—

“To y^e Right Honorable W^m Stoughton Esqr Lt Govern^r & To y^e Honorable Connell wth y^e Representatives Convened in y^e Great & Gen^l Corte in Boston Nov^r 20th 1695

Sam^l Partrigg Humbly Prayeth this Corte to take into y^r Consideration That w^{as} Sever^l persons in y^e Town of Derefeild Killed Severall Wolves to y^e Number of Elven w^{ch} s^d Town answered & Satisfyed for according to law & attended y^e direction of y^e law in y^e day of it as y^e Certificatss annexed may appeare Application hath beene formerly made to y^e Honord Treas^r of this Province for to pay sayd Sum of Elven pounds w^{ch} he then refused (though plaine law for it) except he had it under y^e Gov^r & Counsell's hand so to do & now refuses except y^e new additionall law, be attended, w^{ch} is not now attainable as to these Wolves, yet nevertheless it being a due debt as Assigned intreate a few words of ord^r from y^oselves to y^e Treasur^r to make paym^t of the s^d Debt

Alsoe in a bill of expences on y^e Countrys Service by Sever^l of the Town of Hatfeild p^{re}sented to y^e Committee for y^e Warr for allowance They excepted & would not allow for an horse of Dan^l Whites worth Seven pounds mony w^{ch} horse was prest for a post from o^r p^{ts} to Travell to Boston with Lett^{rs} to y^e Gov^r in w^{ch} journey s^d Horse dyed & y^e man hath had no Recompence, Humbly pray y^or Honor^s to consider this matter alsoe & to allow such a Sum for s^d Horse as y^or Honor^s may judge just & Right & for y^or Honor^s we shall ever Pray

SAM^{LL} PARTRIGG
DAN^{LL} WHITE

Major Walley: alsoe Jos Hawly Esqr & m^r Eliezer ffrary mem^{brs} of this Corte can give information Referring to this horse abovementioned.” — *Mass. Archives, vol. 1, p. 47.*

Upon this petition the following vote was passed on the twenty-fifth of November:—

“Voted in the house of Representatiues that the abouesd: Samuell Partrigg be pd: Eleven pounds out of y^e Province Tresury for the Killing of y^e abouesaid eleven Wolves, And also That Daniel White be paid Three Pounds out of y^e Province Tresury for his horse y^t was prest to go post in his Maj^{ties} Service, w^{ch} s^d horse Dyed on the Road in s^d servise

And sent up to the Hon^{ble} Lt Gour^t & Council for concurrence

WILLIAM BOND Speaker.” — *Ibid.*

From the above vote the Secretary constructed this chapter by which it appears that the Council did not concur with the representatives in voting payment to White for the use and loss of his horse. This also appears by the following memorandum, subjoined to the original vote, by Major Walley, one of the commissioners for managing the war:—

“The Horse of Dan: Whites hath not been allowed by y^e Com^{ns}
y^e 27 nov: 1695

JOHN WALLEY.” — *Ibid.*

The ground of the treasurer's refusal was that the act of March 15, 1694-5,* prescribed a form of certificate upon which, alone, payments could be legally made from the treasury. This act was passed to remedy the loose and various practices under the former act.†

Chap. 46. This chapter is from council records, vol. VI., p. 426. It is preserved in archives, vol. 113, p. 125.

The reasons for passing this chapter are sufficiently evident in the papers which follow. Upon petitions which have not been found, the General Court, before the arrival of the province charter, passed the following order for the relief of certain towns, including Wenham:—

“December 8th 1691. At an adjournment of the General Court of their Maj^{ties} Colony of the Massachusetts Bay in Boston

Whereas in the last Lists of valuation taken in the yeare 1690. the generality of the Towns left out the heads of such of their Inhabitants as were then abroad in their Maj^{ties} Service on the Expedition to Canada Some Towns not knowing what was done in y^t matter put all the s^d heads into their Lists, which makes an inequality in bearing of the publick Charges.

It's therefore ordered That upon Certificate from the Selectmen and Commissioner of such Town presented to the Treasurer, therein setting forth the names & number of the Inhabitants of such Town then abroad upon the s^d Service, Such Town shall be abated the Sum thereof out of their publick assessment.” — *Mass. Archives, vol. 113, p. 126.*

In the first tax act of 1694‡ the proper allowance to Wenham was inadvertently overlooked, and the vote of 1694-5, chapter 27, was passed to correct this error, by a sufficient allowance in the next tax act; but it would seem that the same error was repeated in the new act.§ The tax act of this year expressly authorized the treasurer to make abatements and allowances in the arrears of former assessments in all cases in which the General Court had so ordered.|| But notwithstanding this provision it seems that the allowance justly claimed by Wenham was still postponed, whereupon the selectmen, in behalf of the town, sent in the following petition, which was read in the Council November 21, 1695:¶—

“To the Honorable Generall Court Assembled at Boston this 20th of Nonember 1695
the Humble petetion of the select men of wenham in behalfe of thier towne Humbly sheweth that we yowr petetioners when we made our list of valewation in the yere 1690 for

* Province Laws, 1694-5, chapter 26.

† *Ibid.*, 1693, chapter 6.

‡ *Ibid.*, 1694-5, chapter 12.

§ *Ibid.*, chapter 27.

|| *Ibid.*, 1695-6, chapter 6, § 8.

¶ On the twenty-fourth of July, 1695, the town of Wenham chose Captain Thomas Flske a representative “to go to the General Court at their next sessions to get the abatement of the Commissioners' heads perfected.”

that yere we did put into our sd list our solders that then were in thier majesteys seruic at Canada and when we vnderstod that the jenerallyty of the towne in the prouine had left out of thier lists thier solders gon into the s^d seruic; we then petetioned this honourable Generall Court in december 1691 that we might have a Just abatiment made for our solders that went in the sd expsedetion which were seuenten; and it then being euident to the Generall Court that ther were som other towne vnder the same Circumstanc that we with those might not be opresed pased aposetine and express order that those towne which had soe put in such solders into thier lists producing to the tresurer vnder the hands of thier select men and Comisioner seting forth the nams and number of such solders it should be abated which order we atended but wer by the then tresurer put off from one time to an other with promises that we should be alowed the some which our seuenten solders amounted to. which was thirtey fowr pounds 14^s 2^d but we could not obtaine it before the presant Treashurer m^r Jams Tayler came to the place and he finding our towne debtor for the sd some who cald vpon vs for it and then our sd list was lost which forced vs to mak the list anew which boreth date August the 17th 1694 which we sent to m^r Tresurer with the order of Court which he Receued and we expected that the abatment had bien made vntill the sd Tresurer sent to vs and Informed vs that this honoured court in may last had ordered him to send an execution for the sd some thirty fowr pounds 14^s and 2^d which doth Indeed fore vs to petetion against that order that we may be Relieued acording to equity and justis and this honorable Generall Courts former order soe not doubting but that your honours will se Just caus to Grant ovr Resonable petetion and Reliene vs out of or Townes next assesment from being opresed; and soe we yowr humble petetioners shall as in duty we are bound euer pray

| | |
|-------------------------|---|
| THO ^s FFISKE | } Select men of Wenham." — <i>Ibid.</i> , p. 125. |
| WILLIAM FFISKE | |
| WALTER FFAYERFIELD | |
| JOHN NEWMAN | |
| WILLIAM FAIRFIELD | |

This petition was reñforced by another, signed by two of the selectmen, as follows: —

"To the honerable hous of Representatives assembled in Boston Novem^r 22th 1695

Gentelmen: Thes are to request you that you would Consid^r of Case presented in or petition in behalf of or Towne of wenham & grant us as spedy a determination of it is may be; weh was that you would pleas to allow us what the hon^{ble} Generall Court was pleased to grant us by ther order which was procured by the petition of or Towne which ord^r we haue attended & haue not yet had the benifitt of & therefore we would earnestley request: that we might haue an equall benifitt by said order with those who did not putt ther Cannada heads into the list of Valluation & those that haue had an abatement by said Ord^r that so equitey may be done & the hon^r of this Court preserved: & if there be any thing further that is nessimarey for the Clearing up of the equitey & Justice of or Case we Can assert that those verey persons named in the list presented to yor selves under the hands of y^e select men & Comision^r of or towne did personalley serve ther majesties in the expsedetion to Cañada & maney of them ware lost in said service, & hoping that you will seriousley Consid^r or Case we subscribe or selves yor humble servants

JOHN NEWMAN

WILLIAM FAIRFIELD." — *Ibid.*, p. 128.

Upon the former of these petitions, which had been sent down from the Council, the House, on the twenty-sixth of November, voted as follows: —

"Voted in y^e house of Representatives yt y^e Towne of Wenham be pd: out of the Treasury of y^e Province Tenn Pounds as their full due in Relation to y^e Petition; & sent up to y^e Hon^{ble} Lt Gon^r & Council for a concurrence

£10-0-0

WILLIAM BOND Speaker." — *Ibid.*, p. 125.

In this vote the Council concurred. A memorandum endorsed by the clerk of the House on the above petition reads, "26 (9) 1695: £12: — voted to Wenham" and this sum seems to have been at first voted by the representatives; but the amount actually allowed agrees with the recorded vote.

Chap. 47. This chapter is from council records, vol. VI., p. 427. It is preserved in archives, vol. 87, p. 16, and vol. 105, p. 28.

This chapter was made up by the Secretary from two distinct votes; the former on the petition of Thayer, and the latter upon the petition of the wife of Cook who was disabled by illness. These petitions and the votes thereon, respectively, are given below: —

"To y^e Honourable Gen^l Court now sitting in Boston

The Peticōn of Fardinando Thayer of Mendham

Humbly sheweth

That whereas about three years since, The Country Rates were very great, and yor Peti- cōn^r then very much In y^e Rates, and had paid a Considerable part of his Rates, but before he Could pay the whole, fire, brook out in his house and Consumed it with all his move- able Estate, himself and family had much to do to escape with their Lives; and yor Peti- cōn^r being very aged, meets with much difficulty, and whereas there is about Seaven pound ten shilling unpaid, of those Rates before he was burnt out, He doth most Humbly pray this Hon^{ble} Court will please to Consider his distress and Remit those arrearages of Rates made before his being burnt out of his house and as for all other; he hopes he may be able to pay them in season: and yor favour herein will make the heart of yor aged Peticōn^r glad and Encourage him, as in Duty bound to pray &c:

9br y^e 28th 1695

Recd Nov: 28th 1695 Read in the house of Representatives and Past in the affirmatine, and sent up to the hon^{ble} Lt Gour^r and Council for a Concurrence

WILLIAM BOND Speaker

Voted a concurrence in Council Nov^r 28th 1695

Is^t ADDINGTON Sec^y. — *Mass.*

Archives, vol. 87, p. 16.

“Much Honoured Srs

When I was last in Boston I acquainted Your honours with the poor, & low Estate of my Husband Walter Cook, by reason of his sore Ulcerated, & extraordinary tumified legge on which a sad excrecence remains as bigge as an ordinary apple, which puts him to Constantly great, & sometimes exquisite pains by which he hath been wholly taken of from his labours, to ye wasting his estate, he still remains in ye same desolate & afflicted state languishing & declining without any hope of amendment in this life; but yet I know not how long his painful life may be prolonged my time is almost wholly taken up in attendance on him, (not that I think much of, or in ye least measure decline the duty which God providentially Calls me unto, & which my Conjugall relation calls for), but hereby both he & I are wholly incapacitated to doe any thing for a lively hood, & our children which are all gonne for themselves are in such a low condition that we can hope for little from them who are seacely able to live thrō. the cares, & charges which they are burdened with, It was such considerations as these which made me act ye part of an Importunate Widdow, thō thrō gods goodness it was not before unjust, but mercifull judges, as I am touched with shame to have given you so much trouble, so am I refreshed with gladness to think of the generous & candid concessions of yo^r Honours that you would doe wht in your Honours lay to spread his case relating to his Country rates before ye Generall assembly, an accompt of which under ye Constables hands I send enclosed & doe humbly pray that Your hono^{rs} will putt on such bowels of charity as may dispose Your Honours unto an Effectuall mannagement of this matter, I should be far from further soliciting in this affair were it possible for us to find out a way to Satisfy the Constables, but the great indigencyes we are labouring under serve as continuall monitors to press me to ye uttmost endeavours I am capable of to engage your Compassions towards those, who (I hope) are Gods poor & therefore wht ever is done for our reliefe (I hope) may be justly reputed as lent to the Lord; I have nothing to adde, save only the assurance of my thankfull remembrance of your manifold kindnesses, & that I shall not fayle to ask a blessing upon your Honours from ye God of all divine grace, whilst I am capable of lifting up a prayr to a god hearing prayer;

Mendon 30th 7th 1695.

I am Yo^r Honours In all observances

KATHERINE COOK.

The within Petition Being Read in the house of Representatiues & Past in the affirmatiue viz: that his Rate to be gathered by Walter White of three Pounds eleven Shillings & eight pence, That his Rate to be gathered by Constable Cooke of three pounds — & That his Rate of two Pounds two shillings & six pence to be gathered by Constable Thare all which am^t to Eight pounds fourteen shillings & two pence be allowed & abated the sd Walter Cooke and that it be allowed by m^r Treasurer (of this Province) —

And Sent up to the hon^{ble} Lt^g Gov^r & Councill for a Concurrence

WILLIAM BOND Speaker

Voted a concurrence in Council Nov^r 28^o 1695
— *Ibid.*, vol. 105, p. 27.

Is^a ADDINGTON Sec^y.

After the Council had concurred, the petition went back to the House, apparently, where the following memorandum was made upon it by the clerk:—

“Nov: 29th 1695: Voted as on the other side.” — *Ibid.*

Accompanying Cook’s petition is the following memorandum or account:—

“Walter Cooke of Mendon stands Rated to the Countrey as ffolloweth.

| | £ | s | d |
|---------------------------------------|---|----|---|
| To the Rate in Constable Whites hand | 3 | 11 | 8 |
| Joseph Whit constabell | | | |
| To what is in Constable Cooks hands | 3 | 0 | 0 |
| nicholas cook constabell | | | |
| To what is in Constable Thayres hands | 2 | 2 | 6 |
| Tommas Thare constabel | | | |

£8: 14: 2.” — *Ibid.*, p. 29.

By the entry in the province treasurer’s accounts it appears that £16 4s. 2d. were abated to the town of Mendon of the rates committed to Thayer and Cook.

Chap. 50. This chapter is from council records, vol. VI., p. 429. It has not been found in the archives.

Chap. 51. This chapter is from council records, vol. VI., p. 430. It has not been found in the archives.

Chap. 52. This chapter is from council records, vol. VI., p. 428. It is preserved in archives, vol. 1, p. 46.

For the grounds of the treasurer’s refusal to pay an account on which this chapter was based see note to chapter 44, *ante*. The petition which accompanied this account is as follows:—

“To ye Hon^{ble} Gener^{ll} Court Now Sitting at Boston

The Peticōn of William Holbrook & others of Mendham

Humbly Sheweth

That whereas Several Wolves have been killed by yo^r Peticōn^r and other, as doth appear from vnder ye hands of ye Select men of o^r town to M^r Treasurer Phillips, and he hath not yet allowed pay for them, and since M^r Taylor Hath been Chosen treasurer he hath been Requested to pay for ye same, But he saith he Cannot do it without yo^r Hon^{rs} first Consent thereto: Therefore yo^r Peticōn^r with ye Rest most humbly pray yo^r Hon^{rs} will please to Order M^r Treasurer to pay them what ye Law then allowed in 1692 which was ten shillings a wolfe, and ye whole number of wolves then Killed by yo^r Peticōn^r & and* others Were twelve, & amounts to six pouds—yo^r Peticōn^{rs} humbly pray Yo^r

* *Sic.*

Hon^{rs} will save them farther spending their time about this affair that so they may be Encouraged to serve y^e Country in same way and as in Duty bound shall not Cease to pray &c —

9^{br} y^e 20 = 1695

WILLIAM HOLBROOK." — *Mass.*

Archives, vol. 1, p. 46.

This petition appears to have been first read on the twenty-ninth of November in the House, where it was immediately "voted in the affirmative" and sent up to the Council, for concurrence. The Council voted a concurrence the next day, but put the vote substantially in the form in which it appears in this chapter. For some reason not evident the House did not concur in the new draft until the fourth of December.

Chap. 53. This chapter is from archives, vol. 101, p. 45. It is recorded in council records, vol. VI., p. 432.

This chapter closes the official accounts of Mr. Treasurer Phillips. On the twenty-third of February, 1694-5, the compensation which had been allowed him as far back as July, 1693,* had been passed to his credit by his successor, as shown by the following entry in the treasurer's accounts: —

"Februry 23 Jno Phillips Esqr late Treas^r of the Colony of the massachusetts due to him as appears $\frac{1}{2}$ an accot^t Under the hands of the Co^mittee appointed by the generall Court dated the 18th Decemb^r 1694 Including his £500 " — " — as a Recompence of his Service as Treasurer 924 " 16 " 11." — *Mass.*

Archives, vol. 122, p. 46.

It appears, however, that as late as June, 1695, he had not taken an order from the Council of this allowance. At the third session of the General Court this year he presented another petition for allowance very similar to the one presented by him in June.† It is as follows: —

"To the Hon^{ble} William Stoughton Esqr Lieut Governor and Co^mmand^r in Cheife of his Maj^{ties} Province of the Massachusetts Bay in New England with the honrd Council and Representatives of the Same now assembled in Generall Court held att Boston by adjournem^t Decemb^r 3^d 1695

The Petition of John Phillips Late Treasurer to the late Colony of the Massachusetts, Humbly sheweth

That Yor Petition^r during the time of his officiateing in the office of Treasurer for the Late Colony of the Massachusetts (w^{ch} was for some yeares together) hired part of an house in Boston for that Service as also Employed Mr Humphry Parsons an Accomptant to assist him in said Affaire, the charge whereof, and for Large Quantitys of paper wood & candles &c expended in sd affaire was very considerable, besides the Burthen was very great which yor Petition^r then sustained, haveing hitherto had no allowance for sd charges nor the assistance of the sd Parson in the management of sd affaire, and notwithstanding all which he hath now in, & oweing to him from the Publick Treasury upon his owne particular accot Five hundred and odd pounds.

Yor Petition^r therefore humbly entreates that this high & hon^{ble} Court will please to take the premisses into Considera^{co}n Soe as that the p^{re}sent Treasurer of said Province may be ordered to make payment unto him out of the Publick Treasury the aforesd Sum^e of ffive hundred and Odd pounds Together with such Sufficient Compensation for the service of the sd Parson, and for yor petition^{rs} necessary charges whilest he officiated in the office of Treasnrer to the s^d Late Colony, as to yor wisdoms shall seeme meet and reasonable./

And Yor Petition^r Shall pray &c." — *Ibid.*, vol. 101, p. 44.

Upon this petition the vote which constitutes this chapter was passed by the House on the sixth of December and sent up to the Council where it was immediately concurred in.

Chap. 54. This chapter is from archives, vol. 48, p. 259. It is recorded in council records, vol. VI., p. 433.

The order for the payment of this allowance was passed in Council December 19, 1695.‡

The Treasurer's accounts are missing from November 7, 1695 to November 11, 1696, and hence the entry of the payment does not appear.

Chap. 55. This chapter is from council records, vol. VI., p. 434. It is preserved in archives, vol. 70, p. 250.

The petition which is the basis of the vote which constitutes this chapter is as follows: —

"To the Hon^{ble} Wm Stoughton Esqr Lieu^t Gov^r and Co^mander in chief of His Maj^{ty}'s Province of the Massachusetts Bay in New England, with the Honrd Council & Representatives thereof, now convened in Gen^l Court held at Boston June 13th 1695 —

The Petition of Nathanael Hall Your Supplicant

Humbly sheweth,

That, whereas Your Petitioner hath been greatly importuned by His Excellency Sir William Phips Gov^r to serve in an Expedition to Pemaquid, at the time of the building of the Fort there, & withall was promised by His Excellency and Maj^r Richards not less than six pounds per month, which encouragement, with the duty he owed to God & his People, induced Yor Petitioner to undertake so difficult and hard a piece of service; And yet after twenty six weeks service on his return with leave & order, He has not received more then four Pounds $\frac{1}{2}$ month, which is something grievous to Yor Petitioner: He doth therefore humbly pray, if any thing can be alledged, that he hath been any wayes unfaithful or negligent in said service, that he may be made sensible of it; if not, that

* Resolves, 1693, chapter 8.

† See chapter 20, *ante*, and note.

‡ Executive Records of the Council, vol. 2, p. 374.

Your Honours will be pleased so far to consider your Petitioner, as to doe for him what may be just and honourable. Also, when Your Petitioner had served with his own Medicines in the Cure of many sick & wounded seamen & soldiers on their Return from Canada, he made conscience to charge in his Account as reasonably as could be afforded, & the Surgeons that were appointed to audite his Accompt, found it reasonable: Yet notwithstanding, he received but twenty two pounds, whereas his Accompt amounted to twenty seven pounds odd money. Further, Your Petitioner by an Act of a General Court holden at Plimouth, formerly had a Pension allowed him during life, in compensation for the loss of the use of one of his Armes, which was occasioned by a dangerous wound he received at the Narraganset-fight, but has fallen short of five pounds 4^p year of said Pension, ever since the arrival of Sir Edmond Andross; yet has he not been backward to pay all rates and taxes imposed on him, nor would he now appear, if he could comfortably comply with what his rates and engagements are. Therefore he doth humbly pray your Honours, that You would candidly consider the Premisses, and doe for him as Justice and Your great Wisdom shall direct.

So shall your Petitioner ever pray." — *Mass. Archives*, vol. 70, p. 250.

Appended to this petition is the following apportionment, or memorandum of items, of the whole amount asked for: —

| | | | |
|--|-----|----|----|
| "Your Petitioner humbly conceives that there is due to him | | | |
| ffor Wages at Pemaquid | £13 | 00 | 00 |
| ffor what he did for sick & wounded men | £05 | 00 | 00 |
| By Arreares in his Pension 9 years | £45 | 00 | 00 |
| <hr/> | | | |
| £63 00 00." — <i>Ibid.</i> | | | |

The following are the proceedings on this petition, which, by comparison with the chapter as printed from the Secretary's journal, will serve to illustrate the large discretion which that officer habitually exercised in making up his records: —

"Nov: 30th 1695 This Petition Read & Voted That Cap^t Nath: Hall shall haue fifty pounds paid out of the Treasury of this Province in ffull for his Wages at Pemiquid (yet due) & for what he did for Sick and wounded men, and for all he demands for his stypend or pension of five pounds a yeare duering his life (in Plymouth late Colony) — *But his Lycence granted him to keep an Ordinary in Yarmouth in the County of Barnstable by y^e late Generall Court in Plymouth is Still to Remaine to him & his Assignes According to that Courts Grant*

Past in the affirmatiue & sent up to the hon^{ble} Lt: Gov^r and Councill for a Concurrence
Voted Dec: 11th 1695. WILLIAM BOND Speaker

December 11th 1695 Vot^d a concurrence in Council after y^e lineing out of the three lines and halfe, made by the Representatives

Is^t ADDINGTON Sec^{ry}." — *Ibid.*, p. 251.

The "three lines and halfe" mentioned in the vote of the Council are the lines above printed in Italics.

An order for paying this allowance was passed by the Council, December 19, 1695.*

Chap. 56. This chapter is from archives, vol. 2, p. 239.

All matters of controversy respecting the boundary lines between this province and the contiguous colonies and provinces pertain to a class of legislation which will form a separate group, in a later volume, with the resolves, orders, etc., relating to the establishment, etc., of towns, etc.

This chapter, however, refers not only to the disputed boundary between Massachusetts and Connecticut, but to the efforts of the former to secure from the latter a more efficient coöperation in the defence of the western frontier of both governments, and contains another appeal for assistance against the enemy in the expected spring campaign.

The earlier correspondence concerning this business, including what the Assembly in this chapter say, "we wrote you the last summer," has been given in the note to resolves, 1694-5, chapter 62. An attempt to resume this correspondence had been made in the autumn, in the following letter from Lieutenant-Governor Stoughton: —

"Hon^{ble} S^{rs}./.

Col^o Pynchon has observed unto me yor readiness to grant him assistance, upon his late application unto you, for pursuit of the Enemy, and yor Enforcem^t of the Garrison at Deerfield with twelve men; which I thankfully acknowledge, and desire that those Towns may be further releived by you, as occasion shall offer, for which the nearness of yor situation dos give you advantage, and will be a Security to yor Colony. We are at a standing charge for the defence of our Neighbours of New-Hampshire, having a Foot Company posted there; th^o. part of this Province lyes without them; But we are all Subjects of the same Crown, and have a comon Enemy to Engage ag^t th^o. the war lyes neerer to some than others; A combining together for a joint prosecution thereof is necessary, In which I hope yor Selves will not be wanting. I am. Gent.

Yor affectionate Friend & Servant.

Boston. Sept 21^o 1695.

W. S.

Gov^r & Council of Connecticutt." — *Mass. Archives*, vol. 2, p. 237.

No reply to the foregoing letter has been found.

Chap. 57. This chapter is from council records, vol. VI., p. 437, and archives, vol. 11, p. 101.

Chap. 58. This chapter is from archives, vol. 48, p. 261. It is recorded in council records, vol. VI., p. 436.

* *Executive Records of the Council*, vol. 2, p. 373.

The order for paying this allowance was passed by the Council, February 11, 1695-6.* Owing to the loss of the treasurer's accounts, the record of payment has not been found.

Chap. 60. This chapter is from archives, vol. 113, p. 131. It is recorded in council records, vol. VI., p. 438.

Chap. 61. This chapter is from council records, vol. VI., p. 440. It has not been found in the archives.

Chap. 62. This chapter is from archives, vol. 40, p. 349. It is recorded in council records, vol. VI., p. 443.

The order in Council for the payment of this allowance was passed March 19, 1695-6.†

Chap. 63. This chapter is from council records, vol. VI., p. 443. It is preserved in archives, vol. 70, p. 267.

The petition upon which this chapter is founded was read in the House, March 6, 1695-6, and is as follows:—

"To the Hon^{ble} William Stoughton Esq^r Lieut^t Govern^r &c the Council and Representatives of his Mat^{ys} Province of the Massachusetts Bay in New England, convened in General Assembly. March 5th 1695/6

The Petition of Cap^t Stephen Greenleaf of Newbury

Humbly sheweth

That upon the 7th of October last about three a'clock in the afternoon. a party of Indians surprized a Family at Turkey hill in sd^t Town, captivated nine persons women and Children, rifled the house carrying away the Bedding and other Goods, Only one person in the House escaped; and gave notice to the next Family and they to the Town — Upon the Alarm your Petr with a party of men pursued after the Enemy, endeavouring to line the River Merrimaok to prevent their passing over by which meanes the Captives were recovered and brought back —

The Enemy lay in a Gully hard by the Highway and about nine at night made a shot at your Petitioner and shot him through the Wrist between the bones, and also made a large wound in his side, Which wounds have been very painful and costly to your Petr in the cure of them and have in a great measure utterly taken away the use of his left hand, and wholly taken him off from his Employment this Winter —

Your Petitioner therefore humbly prayes this Hon^{ble} Court, that they would make him such Compensation as shall seem fit, which he shall thankfully acknowledge and doubts not but will be an Encouragem^t to others speedily to relieve their Neighbours when assaulted by so barbarous an Enemy — And your Petr shall ever pray &c

STEPHEN GREENLEAF." — *Mass.*

Archives, vol. 70, p. 267.

The vote passed upon this petition was agreed to by both branches, on the seventh, and is substantially the same as given in this chapter, save the preamble, which was added by the Secretary when he made up his records.

The order in Council for the payment of this allowance is dated March 19, 1695-6.‡

Chap. 64. This chapter is from archives, vol. 70, p. 268. It is recorded in council records, vol. VI., p. 444.

This chapter appears to have been passed, in part, to ratify the following previous order of the Council:—

"Feb. 11, 1695-6. For the further encouragement of Men to attend his Majestys service in the Province Gally.

Ordered: That the pay for able Seamen that shall serve in her be advanced unto thirty shillings p^r month.

WM^m STOUGHTON." — *Executive Records of the Council, vol. 2, p. 377.*

Chap. 65. This chapter is from council records, vol. VI., p. 444. It is preserved in archives, vol. 40, p. 351.

The following is Ray's account referred to in this chapter:—

"BOSTON IN NEW ENGLAND 1695

| | | | |
|--|----------------------|----|--------|
| The Countrey to Caleb Ray Goalkeeper is | | Dr | |
| John Carter Committed Decem ^r ye 7 th 1694 & Discharged June ye 3 ^d 1695 | } " s ^s d | | |
| wh ^{ch} makes 25 weeks and thre days at 2/ 6 ^d p ^r week amounts to . . . | | 3 | 12 8 |
| To one shirt 6 ^s One pare of briches 3 ^s | | | |
| Joseph hyde Committed Jan ^r the 7 th 1694/5 and Executed May the 16 th 1695 | | | |
| being 18 Weeks & 3 days wh ^{ch} ammounts too | | 2 | 6 3 |
| Robert Sherwod from the 1 st of march 1694/5 & Dyed may | | | |
| the 11 th being 10 weeks one day | | 1 | 05: 0 |
| To his cofin according to order | | 0 | " 6: 0 |
| To the Graue Diging and bell | | 0 | " 5: 0 |
| To my Troble and Charges in his Sick diet & Suitable attend- anc | | 0 | " 3: 0 |
| To my Troble and expence at his funeral & expenes on the bearers | | 0 | " 3: 0 |
| To Drink the Coroner had for the Jury | | 0 | " 3: 4 |
| | | 2 | 5 4 |
| To Cap ^t bumazene from the first of march 1694/5 To 5 th December 1695 | | | |
| makes 39 weks 6 days at 2/ 6 ^d p ^r week | | 4 | 19 6 |

* Executive Records of the Council, vol. 2, p. 378.

† *Ibid.*, p. 380.

‡ *Ibid.*, p. 381.

| | | | | | |
|--|----------------------------------|---|-----|-----|----|
| The Countrey to Caleb Ray Goalkeeper is | | | | Dr. | |
| To Joseph hostage from from* first march 1694/5 | To 5 th December 1695 | u | s | d | |
| makes 39 weks 6 days at 2/ 6 ^d p ^r wek | | 4 | 19 | 6 | |
| Shepcot John his Two Sons from firts of march | To 5 th December 1695 | | | | |
| makes 39 weeks 6 day at 2/ 6 ^d p ^r wek | | 9 | 19 | | |
| To Posts Plank Timber Specks and workman Ship to stop a | | | | | |
| breach in the Chimney & one under the window in the prison | £0: 12: 00 | | | | |
| To an Iron Stock lock for the great prison doore | £0: 12: 00 | | | | |
| To Iron work by J ⁿ Spencer Smith vizt 8 cross barrs 76 Staples | | | | | |
| qu ^t 185 ^{lb} at 7 ^d p ^r lb. | £5: 7: 11 | | | | |
| To making 4 shackles for handcuffs & two little staples for | | | | | |
| the barrs | £0: 5: 00 | | | | |
| To three hands to clinch the staples two dayes | £0: 10: 00 | | | | |
| | | | 7 | 6 | 11 |
| | | | £35 | 9 | 2 |
| To Cap ^{tn} bumazen, Shepcot Johns Two Sons & Joseph the hostage from the | | | | | |
| 5 th of December 1695 To 27 th of february being 12 weks at ffour Shillings p ^r | | | | | |
| wek (prouisions being uery Dear) w ^{ch} I hope your honers will Consider | | | | | |
| and alow & at that rate ammounts to | | | 9 | 12 | |
| | | | 45 | 1 | 2 |

CALEB RAY." — *Mass.**Archives*, vol. 40, p. 351.

The vote as actually passed was as follows:—

"voted that Caleb Ray prison keeper in Boston be paid out of the Publick Treasury Thirty one pounds fifteen shillings & foure pence towards the abouesd Accot^t past in the house of Representatives in the affirmatiues & Sent up to y^e hon^{ble} Lt^t Gou^r & Council for concurrence

March 7th 1695/6

PENN TOWNSEND Speaker

Vot^d a concurrence in Council March. 7th 1695Is^t ADDINGTON Sec^y." — *Ibid.*

The Secretary seems to have put it in the form in which it appears in this chapter when he made up the record of the doings of the Governor and Council.

The order in Council for the payment of this allowance from the province treasury is the same as that referred to in the note to chapter 30, *ante*.

The loss of the treasurer's accounts from November 7, 1695, to November 11, 1696, prevents the proof of actual payment by record evidence, but unquestionably Ray received the full amount allowed.

Chap. 66. This chapter is from archives, vol. 48, p. 262. It is recorded in council records, vol. VI., p. 445.

The order in Council for the payment of this allowance is dated March 19, 1695–6.†

Chap. 67. This chapter is from archives, vol. 11, p. 102. It is recorded in council records, vol. VI., p. 445.

Chap. 68. This chapter is from archives, vol. 101, p. 47. It is recorded in council records, vol. VI., p. 445.

Simultaneously with the passage of this chapter, a tax act was passed,‡ the sixth section of which obliged the province treasurer from time to time, when required by the General Court, to lay before them his accounts of the "issuing and disposal of monies" received into the treasury. Before this, the House had endeavored to procure the concurrence of the Council in an act still more stringent, as shown in the following resolve and vote:—

"Resolved That there be a bill drawne—Requiring the Treasurer Annually to lay his Accompts faire, before the Gen^l Court of all Summs of monys that haue or shall be Committed to him, By Rates, fines, and forfeitures to be by said Court, Examined, allowed, & Discharged—And That an oath be framed for the Treasurer to take Accordingly

Voted In the house of Representatives and past in the Affirmative *nemine contradecente*—And Sent up to the hon^{ble} Lt^t Gou^r & Council for a Concurrence—ffebry 29th 1695/6

PENN TOWNSEND Speaker." — *Mass.**Archives*, vol. 101, p. 46.

Chap. 69. This chapter is from archives, vol. 121, p. 61. It is recorded in council records, vol. VI., p. 446.

The following is the order of the general court of Plymouth Colony, which is revived by this chapter:—

[At a court begun and held Feb. 6, 1682–3.] "This Court haue voted, that Sandwich, Barnstable, Yarmouth, and Eastham shall find and allow vnto the building of the Eelriuer bridge, enery of the said townes fife pounds in siluer mony; and the said bridge is to be a cart bridge, and is to be wharfed vp att both ends, and but one peer left in the middle of the said bridge, and the towne of Plymouth are to finish and compleat the said bridge.

And that Plymonth, with the other southeren townes, shall maintaine Jones Riner bridge and the Eelriuer bridge, when the Eelriuer bridge shalbe built, according to proportion as they are in the cuntry rats; and then the said townes shalbe free from being

* *Sic.*

† Executive Records of the Council, vol. 2, p. 380.

‡ Province Laws, 1695–6, chapter 17.

charged toward the building of any other bridge out of thire respectine towneshlpes.”—*Plymouth Colony Records*, vol. VI., p. 100.

Chap. 70. This chapter is from council records, vol. VI., p. 447. It has not been found in the archives.

1696-7.

Chap. 1. This chapter is from council records, vol. VI., p. 452, and from archives, vol. 11, p. 104.

The special cause of this thanksgiving was the timely discovery by Prendergast of the conspiracy known as the “Assassination Plot” of which Sir George Barclay, encouraged by James II., and with the knowledge of Louis XIV., was the prime mover. The purpose of the conspirators was to murder the king on his return from hunting at or near Richinond, in Surrey.* This murderous attempt was the immediate cause of the formation, in parliament, on the motion of Sir Rowland Gwyn, seconded by Montague, of the “Association,” which all persons holding office under government were required to subscribe. See chapter 34, *post*, and foot-note.

Chap. 2. This chapter is from council records, vol. VI., p. 454. It has not been found in the archives.

Chap. 3. This chapter is from council records, vol. VI., p. 456. It is preserved in archives, vol. 101, p. 51.

The following is the petition, and the accompanying affidavit, upon which this chapter is based:—

“To the Honor^{bl} Lievt Governor Council and Representatives assembled In Generall Court at the Town house in Boston May 27: 1696

The petition of John Dexter Humbly sheweth that whereas your poor petitioner served in the office of a constable In the Town of Rochester in the yeare 1694 he is now like to be greatly wronged and damnified by reason of an assesment that is demanded and like to be distreynd by an execution Directed from the Treasurer to the sheriff of this county of Barnestable for the sd Rate or assesment amonnting to the sum of fourteen pounds thirteen shillings and one penny, which Rate your petitioner was never capassitated to collect By Reason that he never had only an Imperfict list to gather the same which came to hand the very day that he should have paid the sd sum and have issued and made up his accounts thereof with the Treasurer, and notwithstanding your petitioner did endeavour to collect the same with all possible speed but the persons mentioned in sd list refused to pay their sums therein mentioned and not knowing their estate did make application to the select men for a warrant to comitt the persons to prison but they did Refuse to grant one, and your petitioner made such Return to the Tresuror and thought that it was as far as he could proceed in that matter, & therefore Humbly prays that this Honored Court would please to Releive him therein that he may not have Distress made neither upon his person nor estate for not paying that which your petitioner humbly conceiveth he was not duly capassitated as the Law Directs to collect, nor was not wanting in his duty about (m^r John Otis a member of the court being acquainted of this matter is capable of giving more full Information to the court) so hoping that this honored Court will duly consider this matter and finde out a way that the Inocent may not be oppressed, your petitioner shall Remain as in duty Bound to pray for &c

May the 25th 1696: then Thomas Dexter of full age apeared And made oath that he did heare the above Named John Dexter Demand a warrant of the select men of Rochester (during the time that he was constable) to cary the persons to prison that Refused to pay their proportion of the above mentioned list and they Refused to give a warrant

Before me STEPHEN SKEFFE Just^{ice} peace.” — *Mass.*

Archives, vol. 101, p. 50.

To the original voté from which the Secretary made up this chapter there was no preamble, and instead of the first ten words as here printed, the order ran thus: “Voted . . . That the within named petitioner be releived as to the Execution now out agt him.”†

Chap. 4. This chapter is from council records, vol. VI., p. 457. It is preserved in archives, vol. 1, p. 49.

The order which is the basis of this chapter was passed as a vote, on the day upon which the following petition (which was first read in the House) was presented:—

“To the Honorable Lenet Gov^r & Representatives in Gen^l Court Assembled may 27th 1696, The Humble Petition of the select men of Hadly sheueth — y^t

Whareas in y^e year 1694 Thare ware Ten Grown Wolues killed in Hadly as Apeared to us by Receipts Vnder oure Constables Hand for which Payment is made to the Partyes y^t killd saide Wolues, which we signified Vnder Or Hands to m^r Treasurer in march 1695 Desiaring that payment mite be made to us out of y^e Prouince Treasurye Acording to Law, the which m^r Treasurer Hath Neglected & Refused to do exsept we would enter them in a printed Bill & signe thare two, which Bills ware made sence y^e kiling of saide Wolues, & we Cannot in Conchance signe there Vnto because we did not se the ears Cut off Naither was thare any Law then for It, thus we are Damnified to y^e Sum of Ten Pounds for which we Humbly Pray that this Honored Court Pleas to Order the Payment of Acording to Law, & for y^r Honers we shal euer Pray

| | |
|----------------|-----------------|
| JONATHAN MARSH | } Select men in |
| NATLL WHITE | |
| SAMLL SMITH | |

Hadly for y^e year 1694.” — *Mass.*

Archives, vol. 1, p. 49.

* The time fixed for the execution of this nefarious design was Feb. 14, 1695-6.

† *Mass. Archives*, vol. 101, p. 51.

The following is the certificate tendered by the selectmen, to the province treasurer, upon which the latter appears to have declined to make payment on the ground of its not being in the form prescribed by statute: —

“Mr Treserer

These may sartyfy y^r self y^t thare haue bin Ten Growne Wolfs kiled in Hadly this Last year Past which Apears to us by y^e Resaits Vnder y^e Constabls Hand y^e Last of which Bares Date in febr 19: 1694/5 for which we Haue made Payment, or Presant satisfaction, to y^e Parsons y^t kiled saide Wonlfs and we Desiar y^t it may be a lowed to Or Town out of y^e Next tax by Discounting y^e same with Hezekiah Porter Constable — Dated in Hadly march 4th 1694/5

¶ us

JONATHAN MARSH } Select Men
NATHANIEL WHITE } in Hadly for
SAMLL SMITH: } y^e year 1694.” — *Ibid.*, p. 43.

Chap. 5. This chapter is from council records, vol. VI., p. 458. It is preserved in archives, vol. 1, p. 48.

The following is the petition upon which this chapter is founded: —

“To y^e Honor^d Gen^l Corte Now Sitting the Humble Petition of Tho Nash & Nath^l Graves of Hatfield Sheweth

Whereas yo^r Petition^{rs} have killed Six Wolves as ¶ Certificate Under or Select mens hands w^{ch} we p^{re}sent with this or Petition w^{ch} Wolves were killed before y^e late law Requiring Printed Certificates as Testimonys for y^e killing of sd Wolves & hath beene sent into the Treasur^r with or Constables accompts for allowance according to the former law w^{ch} he refuses Except it be conformeable to the p^{re}sent Method w^{ch} cannot be & yet y^e Money is due & Therefore yo^r Petition^{rs} intreate yo^r Honor^s to pass an ord^r for y^e Paym^t of s^d Sum of Six pounds for s^d Wolves Out of y^e Treasurie according to law & for yo^r Honor^s we shall ever Pray

Hatfd May 25 1696

THOMAS NASH

NATHANIEL GRAVES.” — *Mass.*

Archives, vol. 1, p. 48.

The certificate which the selectmen offered to the province treasurer, and which he deemed insufficient, is as follows: —

“Hatfeild Jan^{re} 7 1694/5

Mr Treasur^r These may Certifie y^t y^e Select men of y^e Town of Hatfeild afores^d have Rec^d Cirtificates from y^e Constables of s^d Town of Severall Wolves Killed this yeare viz Thomas Nash & Nath^l Graves three wolves Joseph Morton One wolf Sam^l ffieild One wolf Nath^l Dickenson One Wolf Six wolves in all at 6^l 00^s 00^d &c

Which Wolves Wee the Select men afores^d have answered the men y^t Killed them & therefore desire yo^rself to make paym^t & allow s^d Sum of Six pounds One half in Noah Wells & the Other half in Daniel Worner or Constables Rates w^{ch} is according to Law as you well Know, Wee Subscribe yo^r fferinds & Serv^{ts}

SAMLL PARTRIGG }

JOHN WHITE }

JOHN COLEMAN }

Select men in
Hatfeild.” — *Ibid.*, p. 42.

Chap. 6. This chapter is from council records, vol. VI., p. 458. It is preserved in archives, vol. 101, p. 52.

The following is the petition upon which this chapter is based: —

“To the Honor^{bl} Lievt Governor Council and Representatives assembled In Generall Court at the Town hous in Boston may 27th 1696

The petition of John Dexter

Humbly sheweth

that whereas your petitioner served In the office of a Constable in the Town of sandwich in the yeare 1695: there was a list of a tax or assesment Comitted to him being the one half of the tax of foure shillings p^r poll and foure pence p^r pound on estats which list amounted the su^m totall thereof upon a just cast unto: £31=19^s=11^d w^{ch} su^m your petitioner hath paid In to the Treasuror and Receiver Generall of this province, and notwithstanding by virtue of a warrant or execution signed by the s^d Treasuror directed to the sheriff of this county of Barnstable for: £2=13^s=2^d more which is served and distress made upon my estate for the same, which I understand coms by reason of a miss cast of the sum total of said list (the original is sent herewith By Mr. stephen skeffe a member of this court) so that your petitioner is wronged of so much money and was not in a capassity to colect it, nor now to have his da^mage Repaired, but only by the help of this honored Court and therefore Humbly prays for Reliefe herein and your petitioner shall remain as in duty Bound to pray for &c.” — *Mass. Archives*, vol. 101, p. 52.

The above petition was read, first, in the House, on the sixth of June. It was read a second time and sent up to the Council on the eighth.

This chapter was passed in the form of a vote, and without a preamble, “that the petitioner be paid and allowed out of the public treasury of this province,” the sum aforesaid. The Secretary enlarged the vote to its present form in making up his record.

Chap. 7. This chapter is from council records, vol. VI., p. 459. It is preserved in archives, vol. 113, p. 135.

The following is the account of the town treasurer of Boston upon which the vote which is the foundation of this chapter was passed: —

“An Acco^t of money Paid by the Town Treasur^r of Boston by ord^r of y^e Select men of s^d Town to defray Charges belonging to the Townhouse One halfe part of s^d Charges is to

be reimbursed by the Treasurer of the Province by vertue of an Act of General Assembly &c^t

| | | |
|--|--|-----------------------------|
| To Cash pd William Manly for paveing about the Townhouse | as $\frac{1}{2}$ his Acco ^t | 39 - |
| To Ditto Manly for new paveing what was taken up in the | repaires of y ^e Townhouse | 8 .. - |
| The totall | | £. 39 .. 8 .. - |
| One halfe part amounts to | | $\frac{1}{2}$ 19 .. 14 .. - |

JAM^s TAYLOR Treas^r: for y^e

Town of Boston." — *Mass. Archives*, vol. 113, p. 135.

Manly rendered two bills against the town; one for paving, and the other for repairing the pavement, about the town-house. The former is as follows: —

"September the .27. 1695. An account of peaving done for the worshipfull Mr John Eares and Captain Bozoon Allen at the townhouse in Boston the uper part of the peaucement of the north side is .57. foot one way and .23. foot the other the mesure is .145. yards .6. foot the next part is .31. foot one way and .29. foot the other the mesure is .99. yards .8. foot the Lower part of the north side is .49. foot one way and .15. foot the other the mesure is .81. yards and .6. foot the Lower part on the south side is .40. foot .7. inches one way and .27. foot .7. inches the other the mesure is .124. yards and .3. foot that part that buts against the stairkeas is .17. foot one way and .9. foot .4. inches the other the mesure is .17. yards and .5. foot the uper part of the south side is .30. foot one way and .13. foot .6. inches the other the mesure is .45. yards more on the south side .5. foot one way and .7. foot the other the mesure is .3. yards .8. foot the seller door being Reducted

| | |
|--|---|
| the whole mesure of new stones is .515. yards which is | 38 ^{lb} -12 ^s -6 ^d |
| on the south side there is .16. yards of ould stones. | 0 -16 -0 |

| | | |
|---|-------------------|----------|
| The Paving above is about the Townhouse | deduct for stones | 39 -8 -6 |
| allowed 39 ^{lb} * | | 8. 6 |

WILLIAM MANLY." — *Ibid.*, p. 136.

Upon this bill the town clerk prepared the following order on the town treasurer, by direction of the selectmen: —

"Boston 1st October 1695

Mr James Taylor Treas^r
pay to William Manly thirty nine pounds in full of the above written accompt $\frac{1}{2}$ of it to be charged to the acc^o of the Province and $\frac{1}{4}$ to the county
P^r order of the Selectmen

EPHRAIM SAVAGE Town Cler." — *Ibid.*

Upon the latter of these bills, which has not been found, the following order to the town treasurer remains in the state archives: —

"mr James Taylor Treas^r
Pay to W^m Manly for mending the pavemt taken up in the repairs of the Townhouse eight shillings.
Boston 30th Decembr 1695. P^r order of the select men

EPHRAIM SAVAGE Town Cler." — *Ibid.*

This amount is included in the foregoing account of the town treasurer, one-half of which, on the eighth of June, the House voted be allowed and paid, the Council concurring on the ninth.

By an error in the order in Council† for the payment of this sum, the town received ten shillings less than was allowed by the General Court.‡

The act referred to in the preamble and account is chapter 5 of the Province Laws, 1693-4.

Chap. 9. This chapter is from council records, vol. VI., p. 460. It is preserved in archives, vol. 40, p. 371.

The order of notice which constitutes this chapter was issued upon two petitions; one from Bristol, and the other from Boston, respecting an action which had been abated in the Inferior Court of Common Pleas for Dukes County. The former is as follows: —

[*Wilkins's Case.*]

"To the Hon^{ble} the Leiut^t Govern^r & Councill & Representatives Conveened in Generall Assembly for his Majest^s Province of the Massachusetts Bay held at Boston May 27th 1696
The humble Complant & Petition of John Wilkins of Bristoll
Sheweth

That Yor Complainant was by awarrant und^r the hand & Seale of John Saffin Esq^r, one of the Justices of the peace for the County of Bristoll bearing date y^e 2^d October 1694 apprehended & brought before the Quart^r Sessions of the peace holden on the 9th of October after to answer to the Complaint of Cap^t Nathaniel Reynolds, Mr Nathaniel Blagrove and others for a Rescous before that time Committed by the s^d Wilkins of Two hundred Sheep by the Said Complainants seized

That Accordingly Yor Complainant appeared at the Said Court of Quarter Sessions & pleaded not Guilty to the Complaint Exhibitted against him & prayd that the matter of fact might be tryd by a Jury as the Law directs, & offered to pay the fees of the Jury, but notwithstanding the Justices of the peace assembled in Quarter Sessions as afores^d denied & refused yor Complainants motion, & proceeded Sumarily & sentanced Yor Complainant to pay fourty Shillings fine, & fees of Court, by Vertue whereof an Execucion Issued bearing date the last of July 1695 weh was Levyed upon yor Complainants

* A minute by the selectmen or town clerk.

† Executive Records of the Council, vol. 2, p. 430.

‡ *Mass. Archives*, vol. 122, p. 102.

person, & he was Imprisoned by the space of fourteen houres, untill he had paid y^e fine & fees & that the Select men of Bristoll upon the 20th September last, without the Consent of the Inhabitants of the Town of Bristoll, did make arate upon the Inhabitants of said Town for fifty three pounds eleaven pence & gave it to the Constable to gather, w^{ch} caused maney of the Inhabitants besides my Self being much dissatisfyed, to petition John Saffin Esqr & the rest of the Justices in Quarter Sessions for releife, where the Select men appeared, & pleaded the Law title an Act encourageing the killing of Wolves, where it is said the Select men are hereby Impowered to assess the Inhabitants of their Town such sūme or Sūmes as they shall think necessary to serve that occasion, together with other Town charges, w^{ch} the Select men did Affirme would beare them out in making what rate they thought fitt upon the Inhabitants, w^{ch} the Quarter Sessions whereof Justice Saffin is Chair man, did allow upon said plea, and ordered the Same rate to be forthwith gathered wherein your Complainant was Rated fourty Shillings, w^{ch} the Constable hath got from me Now forasmuch as the proceedings of the said Court of Quarter Sessions are arbitrary, and Irregular, & their denying your Complainant a Lawfull Tryall by his Peers, and Justifying the raising of money upon the Kings Subjects without their own Consent first obtained, or some known Law of the province warranting the same are Contrary to the fundamentall Rights & Libertyes of the Subject, and Subversive thereof, & may be a means of Introducing oppressive or Arbitrary power Unless it be sensibly Redressed, and forasmuch as in the ordinary Course of Law Your Petitioner is w^{thout} releife, he is therefore necessitated to apply to this Hon^{ble} Court for it, & is Incouraged to Expect that the premises will receive such a consideration and determination as the Generall Importance thereof requires, whereby future Inconveniences may be prevented, & yo^r Complaints Greivances Redressed

And Yo^r Petition^r as in duty bound shall ever pray

JOHN WILKINS." — *Mass.*

Archives, vol. 40, p. 352.

With his petition Wilkins filed an attested copy of the record of the Court of Sessions, and of a petition to that court, signed by himself and other inhabitants of Bristol, for relief from an alleged illegal tax, as follows:—

"Att his Majesties Infeirior Court of Quarter Sessions of the Peace for the County of Bristoll Jan^y 14th 1695/6

Justices p^rsent

John Saffin Esqr Presid^t
John Brown
Thomas Leonard
Nicholas Peck
Joseph Church
Seth Pope

Maj^r walley & Cap^t Byfield in behalf of seuerall Persons Inhabitants of the town of Bristoll. Endeavoring to lay before y^e Justices in Quart^r Sessions; the Defect of the Select men of said town for y^t they had Leveyed the Sum of fifty three pounds, upon the Inhabitants without Consulting y^e town about it, And for that they haue not attended the Rules of proportion in makeing sd Rate.—

The Select men appeareing to answer for themselves, made it appeare for what they Leuyed said sūm on said Town, and that they had followed the Rule according to law in the proportioning the same, All which was allowed by the Court there being no other perculer Rule for their Direction—

A true Coppie of the Record of
Court being Compar'd

attest JOHN CARY Clerk." — *Ibid.*, p. 365.

"Bristol y^e 15th Jan^y 1695/6

Wee y^e Subscribers for O^r Selves & in behalfe of others of y^e Inhabitants of y^e Towne of Bristol Informe y^e Honor^{ble} Justices In Quarter Sessions that y^e Select men of sd^d Towne have made a rate upon y^e Inhabitants, for ffifty Three pounds & Eleven pence as wee Conceive contrary to Law & pray Redress:—

And farther if it shall be adjudged y^t the select men have acted according to law in making y^e rate/ wee complaine y^t they have not attended y^e Law for Towne Rates in assessing y^e same, and y^t y^e same is very unproportionable & unreasonable on some men, & y^e select men haveing refused or neglected to regulate y^e same wee therefore pray yo^r Hono^{rs} for releife/

JOHN WILKINS
WILL THROOPE
The mark of

JER: ϕ OSBOURN." — *Ibid.*, p. 366.

Wilkins's complaint to the General Court was read in the House on the second of June, and the following vote passed thereon:—

"In the House of Representatives.

Voted and resolved That the Denial of a Jury to any of his Maj^{ties} Subjects, and the Levying of money on his Maj^{ties} Subjects without their Consent as is set forth in the above sd^d petition, are Greivances which ought to be animadverted on and redressed:

PENN TOWNSEND Speaker." — *Ibid.*, p. 352.

On the eighth of June, the following list was ordered to be annexed to the foregoing vote and sent up with it to the Council:—

"The Justices that were present Octobr 9th 1694 In quarter sessions Held in Bristoll for that County when John Wilkins was Denied a Jury were

| | |
|--------------------|-------------------|
| Mr Justice Saffin | Mr Justice Church |
| Mr Justice Browne | Mr Justice Pecke |
| Mr Justice Leonard | |

The Select men of Bristoll for y^e year 1695 & y^t made a Rate upon the inhabitants for 53^u. 0: 11^d: without their Consent w^{ch} is now Complained of are

a Natha^l Blagroue
John Rogers, now Liueing in Boston
Thomas Walker:

And In Janry Last when y^e Justices of y^e County of Bristoll were petitioned at y^e Quarter Sessions then in Being; against the Legallity of said Rate; and against y^e undue proportion of y^e same; upon y^e inhabitants were present all the Justices of y^e Said County of Bristoll./

The Justices that are Complained of at Martha's Vineyard for denying an appeal in Mr Olivers Case Were.

Matthew Mayhew
Richard Sarcen
Thomas Mayhew &
James Allen } Esqrs." — *Ibid.*, p. 372.

Against this order, and immediately following the list of justices of Martha's Vineyard, was placed the following memorandum showing that Matthew Mayhew, the representative of Edgartown and Chilmark, agreed that the list was correct:—

"as Acknowledged by Mathew Mayhew Esqr in this House."*

On the ninth, the Council concurred with the above vote of the House, which the Secretary arranged in the form in which it appears in this chapter.

The General Court was adjourned to Wednesday, the sixteenth of September. The second Wednesday of the second session, therefore, was the twenty-third. Accordingly, pursuant to the direction of this chapter, the Secretary issued the following precept to the sheriff of Bristol County:—

"To the Sheriff of the County of Bristol his Under Sheriff or Deputy Greeting

Whereas by the Petition of John Wilkins of Bristol in the County of Bristol afores^d presented unto y^e General Assembly begun and held at Boston the 27th day of May last past. Complaint is made by the s^d Wilkins That he being brought before the Court of Quarter Sessions of the Peace holden at Bristol for the s^d County of Bristol. the 9th day of October 1694. to answer a Complaint there exhibited against him by Capt Nathaniel Reynalds, Nathaniel Blagrove and others for a Rescons before that time comitted by the s^d Wilkins of 200 sheep by them seized, to which the s^d Wilkins pleaded not guilty. & prayed that the Issue in Faet might be tried by a Jury & offered to pay the Fees thereof, but was denied the same &c. which the s^d Assembly have resolved to be a grievance, & having moved That the Justices of s^d Court of Quarter Sessions be comanded to attend the General Assembly to answer to the s^d Complaint, his Honour the Lieut Governour with advice of the Council directed That the s^d Justices be sumoned to attend the General Assembly upon the second Wednesday of their next Sitting—

These are therefore on his Ma^{ty}s behalfe to require you to notify the s^d Justices Viz^t John Saffin. John Browne. Thomas Leonard. Nicholas Peck & Joseph Church Esqrs hereof, and to sumon them to attend accordingly on the second Wednesday of the next Sitting of the s^d General Court or Assembly being the Twenty third day of September next, Also to notify the s^d Petr John Wilkins thereof and order him to attend at the same time to prosecute his s^d Complaint—

You are likewise to sumon William Throop and Samuel Pelton of the Town of Bristol afores^d and Nicholas Mory & Robert Crossman of Taunton to appear at the s^d General Court to give Evidence relating to y^e premisses. Hereof faile not. and make Return hereof with your doings into the Secretaries Office at or before the s^d Twenty third day of September next.

Dated at Boston the Twenty first day of August 1696. In the Eighth year of his Ma^{ty}s Reign

By Order of the Hon^{ble} the Lieuten^t Governour &c

Is^t ADDINGTON Sec^{ry}." — *Ibid.*, p. 422.

Upon this precept the sheriff made the following return:—

"By uertue of this Writt to me directed on y^e 8th day of this Instant month of September 1696 I Sumoned the within named John Saffin John Brown Thomas Leanoard & Nicholas peck Esqr & John Wilkins to prosecute his complaint & I sumoned William Throop Sam^l pelton Nicholas Mory & Robert Crosman all of them I sumond to appear at the day & place Within menconed as this Writt Requieris by me

SAMUELL GALLAP Sherriff

The within named Joseph Church Esqr is Gon forth in The service of y^e cuntry & is not to be found in my Bayliweek." — *Ibid.*, p. 423.

On the return day a hearing was had upon Wilkins's complaint, and was continued to the twenty-fifth, when the case "was debated at the Board, and directed that it be sent down to the House of Representatives for them to consider of."† On the twenty-ninth, the House passed the following votes, which were sent up to the Council for concurrence:—

"In the House of Representatives Sept. 29th 1696—

Voted That the Charge contained in this within named Complaint ag^t the Justices of the Quarter Sessions is well proved.

Voted That the s^d Justices present at the denyal of a Jury, be admonished by His Hon^r the Lt Govern^r in the face of this whole Court; and shall repay the charge that the withinnamed Wilkins sustained by their Judgment, and reimburse him his Costs in prosecuting this Cause at this Court; The Costs to be allowed by His Hon^r the Lt Governor

* Mass. Archives, vol. 40, p. 372.

† Council Records, vol. VI., p. 476.

Voted. That the withinnamed Select men be admonished by His Hon^r the Lt Gov^r in the face of this whole Court, and pay the charge of prosecution at this Court.

PENN TOWNSEND Speaker." — *Ibid.*, p. 353.

On the first of October the Council read these votes of the House, and "Vot^d severally as to the Justices and Selectmen a noncurrence;"* and upon this rebuff, Wilkins's attempt to obtain relief through the interposition of the Legislature seems to have been abandoned.

Upon appeal to the Superior Court of Judicature, Court of Assize and General Jail Delivery, held at Bristol on the eighth of September 1702, the court "reversed" the sentence of the Court of Sessions against Wilkins; but the record does not show whether or not this sentence was on the judgment appealed from.

The next year he was indicted and convicted before the Superior Court at Bristol for "opposing" two of the justices of said court, on their journey to hold court at Bristol, "by chaining and locking up the gate of ye sd Towne of Bristoll thereby to prevent their serving" the queen, in holding said court; "using very scurrilous & virulent language towards y^e sd justices."

[*Oliver's Case.*]

The petition of Nathaniel Oliver, which sufficiently set forth his alleged grievance, was as follows: —

"To the Hon^{able} the Lt Governor Councill & Representatives In Great & Gen^l Court or Assembly Convened: The most humble Petition of Nathaniel Oliver of Boston Sheweth

That yor Petior on the first day of October last past did by his Attorney bring his action against one Anthony Blaney for withholding Possession of one quart^r part of y^e greatest of Eliz^a Islands w^{ch} of Right appertaineth to him, before y^e justices of the Inferiour Court of Co^mon Pleas, then viz^t on s^d first day of Octobr last past sitting in open Court at Edgar-Town; and according to the direction of s^d Court did by his s^d attorney open his Cause and set forth his Right and Title to one Quarter part of the greatest of Eliz^a Islands afores^d: after which s^d Anthony Blaney pleaded by his attorney in Barr, that the Sheriff or Marshall who Executed the writt, had not authoritty to arrest him, which Plea, after some short argument and answer given by the attorney of yor Petior and advism^t upon it by y^e Court was allowed the Defend^t as sufficient to Barr further proceeding on the plaint of yor Petior and accordingly s^d Plea was rec^d & by order of s^d Court Entred, and the Cause thereupon adjudged to be dismist, from which judgm^t of y^e Court yor petior by his attorney appealed to y^e next Superior Court to be holden at Plym^o according as it is provided by an act of this Hon^{able} Court, & moved that his appeal might be Entred, and for this end gave his money to the Clerk of the Court who also rec^d it, but refused to Enter his appeal, and being urged thereto s^d that the Court had ordered him that he should not enter the appeal, by which the due Course of Law is stopped justice is denyed and yor Petior is unjustly and without Remedy kept out of his Right, to his no small damage and to his very great grievance

Wherefore he humbly Moves this Hon^{ble} Court which alone can support the Rights and Priviledges, and Redress the grievances of his Maties Leige People in this Province to take this mighty breach upon the undoubted Right of the Subject and laws of this Land: into yor most Serious Consideration & provide some Redress for so great a Grievance and prevent so great mischief as may hereupon Ensue, so shall

Yor Petior always pray &c." — *Ibid.*,

vol. 45, p. 234.

With this petition Oliver filed an attested copy of the writ in his suit against Blaney, — and of a return thereon which seems to have been prepared in blank by the clerk but never signed by the marshal who served it, — and also an attested copy of the record of the court in said case.

The writ and return were as follows: —

"Martha's Vineyard: ss:

William the third by the Grace of God of England Scotland France & Ireland King &c. To the sheriff or marshall of Our s^d County marthas vineyard his Undersheriff or Deputy Greeting Wee Co^mand You to Attach the Goods or Estate of Anthonie Blaney of Elizab^eths Islands to the valne of three hundred pounds & for want thereof to take the Body of him the said Anthonie Blaney if he may be found in Yor precinct & him safely Keep so that you have him before Our Justices at Our next Infer^r Court of pleas to be holden for Our s^d County at Edgar town on the first tuesday of Octo^r next then & there to Answer to Nathaniel Oliver of Boston merch^t Eldest son & heir of Mr Peter Oliver late of the same place merch^t Dece^d in an Action upon the case for Entring into & wthholding the possession of one full Qvarter part of the Greatest of the s^d Elizabeths Islands beginning at the Westernmost End by the Indians called Kataymuck the whole Island Containing about Eight miles in Length Lying north ward from Marthas Vineyard & South ward from Monument Bay w^{ch} s^d Westerly qvarter part the s^d Peter Oliver purchased of one Thomas Mayhew of Marthas viney^d merch^t as by instrum^t in Court produced Dated 27. Sept^r 1666 shall appear & whereof y^e s^d Peter Oliver dyed seized in fee & w^{ch} descends of Right to y^e pl^t as his y^e s^d Peters son & heir the wthholding y^e possession whereof is to y^e pl^ts Damage two hundred pounds as shall then & there appear & have you there this writt witness Matthew Mayhew Esq^r at Edgar this 10th Sept^r 1695." — *Ibid.*, p. 236.

"in observance of the within writ I on [†] arrested the boddie of Anthonie Blanie and carried him to Marthas vineyard in order to secure him untill the seting of the Court, but haucing noe prison nor conveⁿience to secure him took bond of him (viz) his one bond to the valne of six hundred pounds

true copia taken octob^r 3: 1695 p^r mee MATT: MAYHEW Clark.' — *Ibid.*

tru copia taken
this 3^d day of
octob^r 1695
p^r me
Matt Mayhew
Clark

* Mass. Archives, vol. 40, p. 353.

† Illegible.

The following is the copy of the record of the Court of Common Pleas :—

“Court of Common pleas holden at Edgertown octbr 1st 95

Mr Samuell Gibson attornie to Nathaniel Oliver appeared before the seting of s^d Court, and Entred an action against Anthonie Blanie, and made plea to s^d action) Nathaniel Oliver Complaineth against Anthonie Blanie of Elisabeth Ilands; for entring into and withholding the possession of one full quarter part of the greatest of the s^d Elisabeth Ilands, beginning, at the westermost end by the indians caled cataimock; the whole Iland Containing about eight miles in length Anthonie Blanie declareth to the court, that hee humbly conceiveth, himself, not bound to answer the plaint of Nathaniel Oliver entred against him; at this court, for that the marshall who arested him had noe Jurisdiction, power nor lebertie for such action on Elisabeth Ilands, and for that he humbly Conccieth, this court cannot by law take nor hold Cognizance of s^d plaint, and that therefore there is no legall plaint against him with respect to anie thing relating to s^d Elisabeth Ilands or anie part thereof

The court allow the defendants plea Sufficient to barre farther proceedings in the plaint of Nathaniell Oliver; at this Court and ordered s^d plea to be entred

a true *copia* taken out of the record this 3^d day of octobr 1695

pr mee MATT: MAYHEW Clark.” — *Ibid.*, p. 235.

Oliver’s foregoing petition appears to have been acted upon by the House and sent up to the Council before November 30, 1695, on which day the Secretary minuted upon it that it was read in the Council. The vote which the House then passed upon it is as follows :—

“In the House of Representatives

Resolved That the denial of an Appeal as is set forth in s^d petition is a Greviance to the Subject, and ought to be animadverted on and redressed,

PENN TOWNSEND Speaker.” — *Ibid.*, p. 234.

On the third of June, 1696, this petition was again read in the House, and was probably sent to the Council with the vote thereon of November 30, 1695, unchanged. This vote, concurred in by the Council, and combined by the Secretary with the vote on Wilkins’s petition, constitutes this chapter, as has already been shown.

The subsequent proceedings on this petition, and that of Wilkins, were independent of each other.

The precept on Oliver’s petition was issued one day later than that upon Wilkins’s, but was made returnable at the same time. It ran as follows :—

“To the Marshal of Dukes County or his Deputy Greeting —

Whereas Nathaniel Oliver by his Petition presented unto the Great and General Court or Assembly begun & held at Boston the 27th day of May last past hath complained That he the s^d Petr having brought an action against one Anthony Blaney before the Justices of the Inferiour Court of Coimon Pleas sitting at Edgar Town on the first day of October last past, his s^d action was dismist by y^e s^d Court upon a Plea then offered by the s^d Blaney in barr. whereupon the s^d Petitioner appealed to the next Superiour Court to be holden at Plimouth & moved that his appeal might be entred, and for that end gave his money to the Clerk of the s^d Court, who received it, but refused to enter his appeal, saying the Court ordered him not to enter the same. which the s^d General Assembly have resolved to be grievance, and having moved That the Justices of the s^d Court may be comanded to attend the s^d General Assembly to answer the afores^d Complaint of the s^d Nathaniel Oliver. His Honour the Lieu^t Governour with the advice of the Council directed That the s^d Justices be summoned to attend upon the second Wednesday of the next Sitting of y^e s^d Gen^l assembly

These are therefore on his Matys behalfe to require you to notify the Justices of the s^d Inferiour Court of Coimon Pleas Vizt Matthew Mayhew. Richard Sarcen. Thomas Mayhew and James Allen, Esq^s hereof. and summon them to attend accordingly upon the second Wednesday of the next sitting of the s^d General Assembly being the Twenty third day of September next and to have with them there the Record and Process in the s^d case. Hereof faile not and make Return hereof with your doings into the Secretaries Office at Boston at or before the Twenty third day of September afores^d. Dated at Boston the Twenty second day of August 1696 In the Eighth year of his Matys Reign

By order of the Hon^{ble} the Lieu^t Governour &c —

ISA: ADDINGTON Sec^{ry}.” — *Ibid.*,

vol. 40, p. 424.

Upon this precept the marshal made the following return :—

“from marthas viniard september the 17th 1696

Thees may aquainte the honorabell Cortte thatt the within mentioned somones Came to late for to serve and allso the persones to be summoned weare nott vpon the Iland

per me JOSEPH NORTON marshal.” — *Ibid.*, p. 426.

The matter came up for consideration on the third of October, when the following entry was made by the Secretary in the legislative journals of the Council :—

“Oct. 3, 1696. The Petition, and Complaint, of Nathaniel Oliver, against the Justices of the Inferiour Court of Coimon Pleas for the Island of Martha’s Vine Yard for Denying him an Appeal from the Judgement of Said Court, as the Law provides, in a Case there brought by the said Nathaniel Oliver, against Anthonie Blaney of Elisabeth Islands for withholding Possession of Part of the greatest of Said Islands belonging to him said Oliver &c was read

Matthew Mayhew Esqr One of the said Justices Appeared & Justified the Denial of an Appeal in the Case Afores^d for that neither the Marshall who Served the Writt, nor the Justices of the said Court by their Coimission had Jurisdiction to hold plea of any Matter, or Cause arising within Elisabeth Islands.” — *Council Records*, vol. VI., p. 483.

The objection raised by the defendant’s counsel seems to have been well taken. The commissions issued to the judicial and executive officers, residing in Martha’s Vineyard, limited

the exercise of their functions to that island. The following is a copy of the order in Council of December 7, 1692 for the appointment of justices of the peace and of the Inferior Court of Common Pleas in said island:—

“Dec. 7, 1692. Nathaniel Thomas Esq^r this day made Report to the Board of the settlement of Martha’s Vineyard, and that Mr Matthew Mayhew, Mr Thomas Mayhew & Mr James Allin had accepted to be Justices of the Peace within said Island, and taken their Oaths. He also moved upon their desire, and at the desire of the generality of the Inhabitants, that Mr Richard Sarson might be added in the Commission of the Peace.

The Justices of the Peace within the Islands of Martha’s Vineyard and Nantuckett, were nominated to be Commissionated respectively for holding the Inferiour Court of Pleas within said Islands & approved of accordingly. WILLIAM PHIPS.” — *Executive Records of the Council*, vol. 2, p. 207.

That the authority of the executive officers of Martha’s Vineyard was equally restricted appears by the following copy of the commission issued to the first marshal appointed there:—

“Sr William Phips K^{nt} Captain Generall and Governour in Chief in and over their Maj^{ties} Province of the Massachusetts Bay in New England. To Joseph Norton Gent: Greeting. I do by these presents (with the Advice and Consent of the Council) Constitute, Authorize, and appoint you to be Marshall of the Island of Martha’s Vineyard, yon are therefore carefully and diligently to discharge the duty of a marshal and to make true Returnes of all such Writts and Process issued out of their Maj^{ties} Courts to be holden within the s^d Island as shall come to your hands. And further to do, Execute and perform all and whatsoever to the s^d Office is proper and conusable according to Law, Taking such reasonable Fees as have been accustomed or shall be appointed. Given under my hand and seal, at Boston the Twenty fifth day of July 1692. In the ffourth year of their maj^{ties} Reigne —

By order of his Ex^{cy} the Governour and Council.

WILLIAM PHIPS.” — *Mass.*

Archives, vol. 40, p. 266.

After it had become evident by the decision in the case of *Oliver vs. Blancy* that there was no provision for the administration of justice in the Elizabeth Islands, new commissions were ordered to be issued, in which “Dukes County” was substituted for “Martha’s Vineyard.” This was done at a meeting of the Council on the sixteenth of October, as follows:—

“Oct. 16, 1696. The Members of the Council being notified & summoned to attend this day according to appointment for the nominating and appointing of Justices . . . of the Inferiour Courts of Common Pleas within the several Countys, Justices of the Peace & Sheriffs in such places where there may be need and other officers.

The Persons respectively nominated and appointed as aforesaid are as follows. vizt:—

Justices for the Inferiour Court of Common Pleas in Dukes County.

Matthew Mayhew Esq^{rs}
Thomas Mayhew

James Allin Esq^{rs},
John Coffin etc. — *Exec-*

utive Records of the Council, vol. 2, p. 421.

Chap. 10. This chapter is from council records, vol. VI., p. 460. It has not been found in the archives.

This vote was passed upon the following petition:—

“To the Honourable the Lieut^t Governour Council and Representatives in General Court assembled

The humble Petition of Samuel Gibson of Cambridge

Sheweth

That your Petitioner was lately sued before Justice Lynde of Charlestown by John Gove of Cambridge in an Action of Trespass upon the Law of this Province against cutting of Wood and Timber in another mans land and your Petitioner did there justify the supposed Trespass and plead that the Land upon which the Trees were cut did not belong to the Plant^{re} but to the Town of Cambridge whereof the Defend^t was an Inhabitant and Proprietor and prayed that the matter might not be proceeded upon before his Worshe for that the Title of Land was concern’d but notwithstanding the s^d Justice proceeded to give Judgement against your Petitioner for forty shillings damage. and taxed a Bill of Cost at thirty four shillings, wherein he has charged your Petitioner. with excessive Fees—from which Judgement your Petitioner appealed to the Inferiour Court to be holden for the County of Midd^x and assigned as the Reason of his appeale that the Justice had not Jurisdiction in the Cause because the Title of the Land was by your Petitioners Plea brought into Question, whereupon the Justices of the Inferiour Court proceeded to examine the s^d matter of the Justices Jurisdiction and determined the same against your Petitioner and gave Judgement finally against him, that the former Judgement should be confirmed. & would Not admit him to plead to the merit of the matter. Now forasmuch as yor Petitioner conceives that the proceeding of the s^d Justice Lynde were irregular, and forasmuch as upon yor Petr^s plea to his Jurisdiction being overruled at ye Inferiour Court, Judgement ought not to have been given finally and peremptorily, but he ought to have been permitted to plead issueably. And your Petitioner has no relief or remedy in the premisses in the ordinary course of Law he therefore humbly represents the same to your honours; and prays your direction and assistance therein

And as in duty bound, he shall ever pray.” — *Mass. Archives*,

vol. 40, p. 764.

This petition which was read in the House on the third of June, 1696, is similar to another which Gibson addressed to the Council on the nineteenth of September previous, on which no action was taken. The House immediately passed the vote which constitutes this chapter and which on the ninth was concurred in by the Council.

The hearing appears to have been continued from the ninth to the twelfth, when Daniel Smith of Charlestown, a witness for the petitioner, was sworn and examined as to the truth

of his deposition given in full in the note to resolves, 1702, chapter 48, and copies of papers were filed in the case, which show the nature of the grievance complained of by Gibson.

At the same time a hearing was had on the petition of Joseph Richardson* agreeably to an order passed during the last session of the previous year. The record of the hearing of both cases was combined in one paragraph, by the Secretary, and is as follows:—

“June 12, 1696. The Record of the Several Cases *inter* Samuel Gibson, and John Gove of Cambridge, and *inter* Joseph Richardson, Sen^r of Woburn, and Isaac Fowle of Charles-town, determined in the Inferiour Court of Common Pleas within the County of Middlesex being sent for up, were read before the Court, the Justices of the said Court of Common Pleas being present, & y^e Parties thereat aggrieved were heard.” — *Council Records*, vol. VI., p. 463.

The writ, together with the officer's return thereon, in the original action brought by Gove was as follows:—

“province of massachusetts
Bay in Newengland
Middlesex ss

To y^e sheriff of y^e County of Middlesex vndr sheriff
or Constable of Cambridg or to any or Either of them

In their Majesties Names you are Requiered to Attach the goods or Estate of Sam^{ll} gibson of Cambridg in Said County. & province in Newengland glouer to y^e vallue of four pounds in mony & for want their of you are to take the body of Said Sam^{ll} gibson if he may be found in your precincts and him Safely keep so yt he may be had before Joseph Lynde one of their Majesties Justices of peace within Said County. on the 18th day of march instant at nine of the Clock in the fore noon to Answer John goue of Cambridg in said County & province in Newengland turner in a plea of Trespas for cutting and earing four trees from a wood lott of Said John goues in Said Cambridg near vnto whitamoers farne bounded westerly by a high way Leading from menotome houses to watertow & was sun time the wood lott of Mr Richard Chamne deceased which four trees made near a Cart Load: for which damage made & don on said wood lott on the two & twentieth day of Janr 1694/5 or near that time in said m^o the said John goue Claimeth fourty shilings in mony to be paid him by said Sam^{ll} gibson acording a cordingt to the Law of the generall Court of said province made at the second sessions of said Court in boston begun 9^{br} 8th 1693 and Continued by adjournement to wensday the 14 day of febr folloing to prevent damage in wood & timbr said gibson haucing no leue from any Pson or Psons oneing the land on which four trees did grow to cut or eary them away, as shall then and their apear with all other due Costs & damages: making true Returne of this writt as the Law directs dated at Charlston march the 8th Annoq Do^m 1694/5 in the seuenth year of their Majesties Reigne ouer England —

JOSEPH LYNDE

I haue Red this attachment to Sam^{ll} gibson & haue tacken bond of him acording to the ten^r of this Attachment this 9th march 1694/5

as witnes my hand.

PETR TOW Constable

for Cambridg.” — *Middlesex Court of Common Pleas: Files.*

The bond given to Town by Gibson was returned with the writ, and at the time appointed the justice proceeded to try the case. The following is a copy of the record of this action:—

“John goue of Cambridge plaintife against Sam^{ll} Gibson of Cambridg defendt in a plea of Trespas for cutting & Carring away 4 trees from Said goues wood lott in Cambridge &c. goue Entered his action March 18th 1694/5 The action being Caled herd & Considered Judgment was giuen for the plaintif John Goue fourty shiling in mony and for Costs of the tryal one pound fourteene 14^s† shilings and fover pence: from this Judgment Sam^{ll} Gibson defendt apealed to the next Court of Common pleas to be held for the County of Middlesex: and gaue bond to prosecute his apeale as attest.

JOSEPH LYNDE Justice of peace.” — *Ibid.*

At the trial, evidence was admitted to show that Gove and his grantors had been in undisturbed possession of the land in question for nearly fifty years under an original grant or division by the town, and that Thomas Danforth, a magistrate, was present when the alleged trespass was committed, and notified the trespassers of this fact. Before the trial the plaintiff had filed a declaration or paper setting forth his title, and copies of the record of conveyances, and there is nothing on record to show that the case did not turn wholly upon the question of title.

From this judgment the defendant appealed to the Inferior Court of Common Pleas, at the term to be held at Concord, on the second Tuesday, being the eleventh day, of June, 1695, and recognized to prosecute his appeal. The appellant's reasons of appeal, which were duly filed, were as follows:—

“Midd^x ss.

Sam^{ll} Gibsons Reasons of Appeale from a Judgmt given agt him by Mr Justice Lynde on the 18th of March 1694/5 at the suit of Jn^o Gove of Cambridge from wch Judgmt the s^d Gibson appealed to y^e Infer^r Court to sitt at Concord on the second Tuesday of June next.

The onely Reason wch the appellt assignes is for that the Justice before whom the action was tryed had no Jurisdiction in this Cause the Law wch Empowers Justices of peace to try Causes of the value of 40^s or under does expressly Except all actions of trespass wherein title of Land is Concerned, and this action is an action of trespass to wch y^e Def^t pleaded that he had a Right & Interest in the Land where the supposed trespass was Comitted by wch plea the title of y^e Land was the onely Question wch the Justice could not decide & therefore ought to have dismisd y^e action & have advisd y^e pl^t to have brought his action in a higher Court all wch y^e Appell^t is Ready to averr & prove wherefore he Craves Judgmt & that y^e former Judgmt may be Reversed

SAMLL GIBSON

Received May. 27th: 1695 P Joseph Lynde Justice of peace.” — *Ibid.*

* See note to chapter 11, *post*.

† *Sic.*

At the June term the appellee filed the following answer to the above reasons of appeal: —

“ John Goues Answer to Sam^l Gibsons only Reason of Appeal from the Judgment of Joseph Lynde Esqr given 18th of March. 1694/5. given in at Concord Court. 1695 —

The only Reason of appeal was because ye Justice had not Jurisdiction of ye Cause, and to prove this Quotes a Law which Impowreth ye Justices to try Causes not Exceeding forty shill: Excepting actions of Trespass where Title of Land is Concerned.* Title of Land was here Concerned (Saith ye Appell^t) therefore not in ye Jurisdiction of a Single Justice to try this trespass. We Answer y^t ye Justice had power to try this trespass, the Law before mentioned notwithstanding, w^{ch} we prove thus. The Law which ye Appellant Quotes is a Generall Law Impowers Justices to try actions of Debt, Trespass, or other matters, not Exceeding 40s: (where title of Land is not Concerned) This Law† upon which this action is grounded, was made purposely to prevent Cutting or Carrying off wood or Timber off another mans Land, and was made after the other Law, because that Sort of trespass was not at all prevented there by, and therefore ye Justices are Impowred to try Such trespasses, by Cutting or Carrying off wood or Timber off another mans Land, although Title of Land be Concerned. There are many sorts of Trespasses besides (Trespasses by Cutting and Carrying off wood & Timber, but a Single Justice Can not try them if Title of Land is Concerned) but this particular Trespass by this Law they may try, Therefore ye Justice had Jurisdiction. We hope the Appell^ts only Reason is answered and there being no other Reason of appeal given in against ye Legallity of ye Judgment. It must be taken for granted by ye Appellant ye Judgment was Just and right, here is no appeal from ye Judgment, but only from ye Jurisdiction of ye Justice. The Jurisdiction we hope is Sufficiently proved. Therefore ye Judgment is right and we hope will be Confirmed wth further Costs.

ANTH^o CHECKLY for ye Defd^t. — *Mass.*

Archives, vol. 40, p. 761.

The appeal was entered and continued to the September term at Cambridge when judgment was entered for the appellee, of which the following is the record: —

“ Midd^x ss

At an Inferior Court of Common Pleas holden at Cambr^e Septembr^e 10th: 1695. By his Majties Justices for said County

Gibson
v^{rs}
Goue

} Continued from Concord Court

Sam^l Gibson Appell^t
v^{rs}
John Goue Defend^t

In an action of appeal from a Judgment of Court held by Joseph Lynde Esqr at Charlestowne March 18th 1694/5. where the now pl^t w^s Cast forty shillings money and one pound fourteen shill & four pence Cost of Suit or Tryall, The parties appeared the Attachmt Read & the Apell^ts only Reason of appeal therein pleading the Jurisdiction of y^e Court That the Justice had no Jurisdiction in the Cause. The Court determine, that the Justice that tryed the Cause had Jurisdiction. And therefore find the Judgment good, and for the Defend^t Cost of Court Twenty one shillings & Two pence. It is therefore Considered by the Court that ye Defend^t John Goue shall Reconer of the appell^t Sam^l Gibson three pounds fourteen shillings and four pence being the former Judgment & Cost of Court Twenty one shillings & Two pence. = Execution sent out: Septembr: 20th: 1695

PR SAMLL PHIPPS Cler.”

— *Middlesex Court of Common Pleas: Records, p. 184.*

The case was finally disposed of by the Superior Court of Judicature, on appeal; but the proceedings relating thereto belong to a later chapter.‡

Chap. 11. This chapter is from council records, vol. VI., p. 461. It is preserved in archives, vol. 40, p. 343.

The complaint of Joseph Richardson mentioned in the preamble to this chapter is as follows: —

“ province of ye Massatusets Bay

To the right Honou^{le} ye Lt Gov^r Wm Stoughton Esqr Comādr in Cheife &c: together with ye Honour^{le} ho^us of Deputyes assembled in Gen^l Court at Boston by Adjournmt ffeb: (26th) 1695/6

The petetion of Joseph Richardson sen^r of Woobourne in the County of Midd^x —
Humbley sheweth,

that whereas your petetioner had an action in may Last, against Isaac foull of Charlestowne, in a plea of debt of twenty four shillings, tryed before one of ye Justices of sd County, and prouing the action obtained A Judgment ag^t sd foull, from which he Appealed, to Concord Court at which Court I appeared ye first day of sd Court with four New-Evidences and this Cause being Entered ye second in cource, yett was not called the first day of sd Court nor in its due place, ye Court being adjourned untill ye next day, and y^e mett in ye morning before ye hour adjourned too, & your petetior called at the south doore, and I answered at ye north doore and ran into Court and made my appearance before any Judgment Entered against me, and Intreated ye Honrd Court my Case might goe on, Notwithstanding Judgment was Entered vp against me by default, when indeed I was no proper defendant, for I was the prime plaintiff in the Case, yett the Judges ordered Judgment to be Entered vp against your petetion^r by default, and not one line of the Case given into Court, and ye Judgment Entered against me is very Erronious, as is very Easye to demonstrate, this straining action Cost Your petetion^r aboue Eight pounds in money besids ye loss of my Just debt such A thing as hath not been heard of in N-England, for this Cause is no wais like y^t in ye law ag^t whome Judgment is to be Entered by default but hereby your hon^{rs} petetion^r is deprived of the liberty of A true borne subject, to haue the tryall of his Case by A Jury, but his money taken from him by a Couler of y^t Law, and nothing Else

* See Province Laws, 1692-3, chapter 33.

† *Ibid.*, 1693-4, chapter 20, § 15.

‡ *Resolves*, 1702, chapter 48.

My prayer to Your Hon^{rs} is y^t You would pleas to grant me A hearing and A fair tryall of my cause in any of his Maj^{ties} Courts of Record in y^e County of Midd^x & lett my money be returned to me againe, and lett y^e law deside it, so shall your petetion^r rest well satesfied, and shall Ever pray &c.” — *Mass. Archives*, vol. 40, p. 341.

Accompanying this complaint were the following attested copies and affidavit, besides the bill of costs claimed by Fowle in the Court of Common Pleas:—

“Midx ss

At a court houlden in woburne one the .13.th of may 1695 by william Johnson Justice Joseph Richardson playntife *Contra* Isaac foule defendant in an action of debt for timber the playntife sould to said foule boath partys apeering the Attachment Read Evidences and pleas produced the Court finds for the plainlife twenty four shillings mony and Cost of Court

the defendant appeals to the Court of pleas houlden at Concord the second tuesday in June next

A true Copie Compared with the originall one file Attest

Wobr 20th May 1695

WILL^M JOHNSON *Just.* — *Ibid.*

“Midx ss

Reasons of apeale Exhibeted by Isaac foule of Charltowne from a Judgment giuen by m^r Justice Johnson of woburne one the .13.th of may 1695 at the sute of Joseph Richardson of woburne sen^r against him the said Isaac foule

1 for that an action of debt will not lye upon a promise but only an action upon the Case
2ly for that the playntife neuer proned that the said fowle made any such promise as in the writt is sett forth which not being don Judgment ought to haue bin giuen for the apeallant

3ly for that the said Timber mentioned in the writt was neuer deliuered to the apeallant nor to his order nor into his yard nor is it fitt for his use therfore he is not Chargable for the same vpon all which the apelant hopes that former Judgment will be Reuersed and Resonable Cost allowed to the apeallant

ISAAC FOWLE

wobr may 20 1695 A true Copie Compared with the origenall

WILL^M JOHNSON *Just.* — *Ibid.*, p. 344.

“Midd^x ss

Concord July: 9th: 1695. At y^e Inferio^r Court of Common Pleas, then and there holden for sd Connty by his Maj^{ties} Justices By adjournm^t from y^e 11th of June foregoing =

Isaac Fowl Appell^t } In an action of Appeal from a Judgment of Court held
versus Joseph Richardson Defend^t } by Justice W^m Johnson at woburn May y^e 13th 1695. The Appell^t appearing Exhibited to y^e Court the Case with the Reasons of appeal. The Defend^t orderly Called to Come into Court made Default. Judgment therefore is allowed to be Entered against him by default Reuersing the former Judgment & allowing the Appell^t Cost of Courts Two pounds Seuen shillings and Ten pence. It is therefore Considered by the Court that y^e Appell^t Isaac Fowl shall recouer of y^e s^d Joseph Richardson Defend^t Two pounds Seuen Shillings & Ten pence

Then paid without Execution by y^e Defend^t

vera Copia Att^s. SMALL PHIPPS *Cler.* — *Ibid.*,

p. 348.

“Mathew Johnson of full age saith that I see: Capt: dudly Isaac foulls aturney: at concord court: July the :10: 1695: gine in a bundle of papers to y^e clark of said court and tould him there was fouls cause and this was after Joseph Richardson had done pleading his cause might goe onne and Judgment entered up against said Richardson by default will^m Johnson sen^r testefys to the aboue written

WILL^M JOHNSON.” — *Ibid.*, p. 346.

Upon the margin of the above petition is the following memorandum:—

“Reed March 3^d 1695/6 }
& 10^s with this } to haue a heareing next Session.”*

The petition appears to have been read in the House, on the fifth of June, 1696, when the following vote was passed:—

“Voted. In the House of Representatives That the petitioner ought to be releived, And That the s^d petition be sent up to the Lt Governor & Council for his & their allowance, and Direction of a proper Method to be used therein.

PENN TOWNSEND Speaker.” — *Ibid.*,

p. 341.

On the twelfth, the Secretary made the entry of a hearing, which appears in the note to chapter 10, *ante*, printed from his record; and under date of the fifteenth, the following votes were passed by the House, recorded in their journal, and sent up to the Lieutenant-Governor and Council for concurrence:—

“Monday 15th June. *post Meridiem.*

Voted, That this House will now proceed to the debating and determination of the Case of the Justices of Middl^x relating to the Complaint exhibited ag^t them in the petition of Joseph Richardson sen. of Wobourne.

Voted, That the Judgment ag^t the s^d Richardson at the Inferiour Court was erroneous, for that no Action lay before that Court.

Voted, That Satisfaction be made for the Cost of s^d Court to s^d Joseph Richardson, by the Justices concerned in said Cause: And That the Appeal be brought forward by the Appell^t Isaac fflowle at the next Inferiour Court at Concord.

A true Copy

Exam^d P

ADDINGTON DAVENPORT *Cler.* — *Ibid.*, p. 608.

On the same day the Council nonconcurred in the above votes; all of which proceedings were minuted on the back of Richardson’s petition and duly recorded by the Secretary.†

* *Mass. Archives*, vol. 40, p. 341.

† *Council Records*, vol. VI., p. 466.

The result of the conference which followed is shown in the note to resolves, 1702, chapter 48.

Except the following fruitless petition for relief, presented to Governor Bellomont, no further legislative proceedings concerning this case have been found:—

“To his Excellency, Richard Earle of Bellomont, Captⁿ Generall and Gouvern^r in Chief of the prouince of the Massatusets bay in New England, & of New York &c

The petetion of Joseph Richardson Sen^r of Woobourn in y^e County of Middlsx in New England—

Most Humbly Sheweth

That your Exilencies poore petitioner, som time in y^e yeare 1695 brought his action against Isaac Fowle of Charlstown, for debt and haneing proued his action, obtained A Judgment aginst him from which Judgment s^d fowle appeal^d, to y^e Court of pleas at Concord that Same yeare, Where your petitioner suffered so much Wrong the like hath Rarely been heard, in this land, which Caused your Lordship^s petitioner to Adress y^e Generall Court for Releife, And The Hon^{ble} house of Representatiues, did act smthing in y^e matter as by the Extract from y^e Journals, of the house of Representatiues will shew, which is herewith humbly offred to your Lordship, it would be too tedious, to Trouble Your Exilency, with y^e perticulers of my Case, how I was wronged, it being sett forth alredy in my petition, to y^e Generall Court, in y^e yeare (96) which petition is lodged with y^e Hon^{ble} Secretry Addington, Now May it pleas your Exilency when these seuerall votes of the house of Representatiues were sent up to y^e Hon^{ble}, y^e Lt Gouvern^r and Councill, There Hon^{rs} were pleased to act nothing in it, to Effect, as I heard of, but, there the matter is lodged, to this day, and your petitioner is yett out of his mony, for his debt, and all his Charges to this day, and so like to be unless your Exilency will pleas to Comand, the Reuineall thereof, According to that Antient Maxim, A Good motion neuer dyes in parliment, Your Excelenceys poore petitioner humbly prays, that you would please According to y^{or} wonted Justice, when the next seseions of y^e Generall Court shall Come, to Comand that those papers may be looked into, and his mony Returned, that was wrongfully taken from him, and he Inabled to recouer his Just debt, and damages, with out which it is wholly lost—so shall your Exilences petitioner Euer pray &c

ffeb: y^e (1st) 1699/1700

JOSEPH RICHARDSON.”—*Ibid.*, p. 607.

Chap. 12. This chapter is from council records, vol. VI., p. 461. It is preserved in archives, vol. 11, p. 109.

This chapter belongs properly to the group of resolves, orders, etc., relating to the establishment, etc., of towns, etc. Of the committee appointed by this order, one only (Partridge) was a member of the Assembly. The result of the report of this committee was the passage of the order which constitutes chapter 45, *post*.

Chap. 13. This chapter is from council records, vol. VI., p. 462. It is preserved in archives, vol. 88, p. 326.

In the note to resolves, 1694-5, chapter 11, the successive steps of progress in the establishment of a general post-office, and a general mail service in this province, have been traced, and the several grants by the Legislature in aid of this enterprise have been shown down to June 20, 1694. In December of that year, Campbell, the postmaster of Boston, it seems, applied to the Lieutenant-Governor and the Council for further aid. This petition has not been discovered, but the purport of it may be gathered from the following order thereon, passed by the Council:—

“Dec. 7, 1694. Upon reading the Petition of Duncan Campbell Postmaster in Boston, therein setting forth, that he has been at a very considerable charge out of his own pocket in sending of By-Expresses and conveying of publick Letters at several times out of the Post Road, and on dayes in which the publick post has not gone.

Ordered. That Mr Treasurer, in pursuance of the Act of the General Assembly, For reviving and continuing of the Duties upon Goods, Impost, Excise and Tunnage of Shipping and the Acts for granting of the same, amongst other things applied to the defreying of the necessary and contingent charges in and about the support of the Government, do pay unto the said Duncan Campbell for his said service the sum of five pounds.

WM STOUGHTON.”—*Executive Records of the Council*, vol. 2, p. 301.

In the fourth session of the Assembly of 1694-5, Campbell again applied for further legislation to protect his monopoly and to secure to him the same exemption from certain pecuniary burdens which postmasters in other English plantations enjoyed. His petition was as follows:—

“To the Hon^{ble} William Stoughton Esq^r Lieut Governor the Council and Representatives of their Mat^{ys} Province of the Massachusetts Bay in New England. convened in General Assembly

The Petition of Duncan Campbell Post Master for the Town of Boston—

Humbly sheweth

That whereas the General Court have Enacted That all Letters and Pacquets that by any Master of any ship or Vessell or any of his company or any Passenger therein shall or may be brought to the Port of Boston, (other than such Letters as are therein Excepted) shall by such Master, Passenger or other person be forthwth delivered to the Post Master of Boston for the time being, or unto his servants or agents by him or them to be delivered according to the respective directions of the same &c as in and by the act For Encouraging a Post office, doth more at large appear, Notwithstanding which several persons do go on board ships upon their first arrival and receive sundry Letters from Passengers and others before the same are delivered into the Post office, to the great lessening of the profits and Revenue thereof, and to the damage of particular p^{rs}ons there being no penalty imposed by s^d act for the transgressors of y^e same.

Your Petitioner therefore prays That this Hon^{ble} Court will be pleased to affix such penalty to the s^d Act, and so order That the same may be duly observed, and that offenders against it, be liable to such punishment or forfeitures, as your Hono^{rs} shall judge meet — And that all Letters brought in any ship or Vessel be delivered into the Post office also under a penalty. Except the Letters of or belonging to the owners of such ship or Vessel.

Your Petitioner further prays this Hon^{ble} Court That in consideration of his care, charge and diligence in sending & dispatching away publick Letters out of the Post road and on dayes in which the Post does not go, (for which there is no allowance) you would please to free him from the paymt of all publick Rates and Taxes, as also that he may not be liable to pay Excise for the retailing of strong drink & other liquors, in case he shall see cause to do the same, It being only what priviledges are granted to the Post masters in other their Matys Plantations —

And your Petr as in duty bound, shall ever pray &c

DUNCAN CAMPBELL." — *Mass.*

Archives, vol. 88, p. 323.

Upon this, on the eighth of March, 1694-5, the representatives voted as follows: —

"Voted upon Reading the petition of Duncan Camball That all persons not bringing Letter or Letters (Except such as the Law Excepts) that ought to be Delivered to the post office shall pay four times as much ¹ letter or* the Letters are payable to the post: & Damages to be made good to the party Injured in not haveing his or their Letters by any Persons Default, (and publick Rates to be allowed him s^d Petitioner) till y^e end of the three year mentioned in the Law Referring to the post office." — *Ibid.*, p. 324.

This vote failed; the Council not concurring.

On the tenth of April, 1695, an order was passed in the Council† for paying to Andrew Hamilton twenty-five pounds agreeably to the vote of June 20, 1694,‡ and the province treasurer in his accounts credits himself with the payment of that amount.§

This was followed, December 19, 1695, by an order from the Governor and Council for another payment to Campbell, of six pounds,|| which grant was made in answer to another petition by Campbell that has not been found; and, on the seventh of May, 1696, Hamilton received a second order for the payment of twenty-five pounds.¶

The three years' limit for the duration of the act for encouraging a post-office** having been nearly reached, Campbell applied to the General Court, at its first session this year, in behalf of the deputy postmaster-general, for a revival and continuation of the act. The following is his petition: —

"To the Rt Hon^{ble} William Stoughton Esqr Lieut Governour and Commander. in chief in & over his Matys Province of y^e Massachusetts Bay in New England. the Hon^{ble} Council and Representatives of the said Province convened in General Assembly May 27th 1696 —

The Petition of Duncan Campbell Post Master in the Town of Boston in behalfe of Andrew Hamilton Esqr Deputy Post Master General for & throughout the several Plantations & Colonies in the Main Land or Continent of America —

Humbly sheweth. That whereas the Great & General Court or assembly of his Matys Province aboves^d begun and held at Boston the 31st day of May 1693. upon application to them made by the s^d Andrew Hamilton for ascertaining & establishing such Rates & summs of money upon Letters and Pacquets that shall be received & dispatched by the officer or officers appointed by the said Hamilton in the principal Ports & places within y^e Province. for y^e effectual Encouragement of the s^d General Post office & for y^e quicker maintainance of mutual Correspondence amongst the neighbouring Colonies & Plantations. & that Trade & Commerce may be the better preserved, Did make & pass an Act Entituled An Act Encouraging a Post office, to continue in force for the space of three yeares from the publication thereof, which time is near expired

And Forasmuch as the s^d Post office is found to be of very great advantage to the Province both in respect of the speedy conveyance & dispatch of Letters and Pacquets to the neighbouring Governments, and Also for the maintainance of Trade & Correspondence between particular persons —

Your Petr therefore in behalfe of the s^d Andrew Hamilton humbly praves this Hon^{ble} Court That the afore recited act may be revived & continued for such further time as shall be thought meet with such further Clauses and additions for the obliging Masters of Vessells & others to deliver their Letters into the Post office and to restrain their delivering of them to any other person or persons, under such penalties and forfeitures as this Hon^{ble} Court shall please to enact. And whereas for forreign Letters the Rate now is two pence apiece, out of which y^e Master that delivers the same into y^e office is to have an halfe penny. Your Petr praves that the Rate for s^d Letters may be advanced to three pence apiece, & the Mr that delivers y^m to have a penny thereout, which will be a greater Encouragem^t to Masters not to deliver them to other persons.

Your Petr also further praves That in consideration of the small Revenue arising by the s^d office in comparison of the charge thereof, and of y^e benefit y^e same is to the Publick, & also of its conveying their Letters & Pacquets free of charge, this Hon^{ble} Court would also please to continue a Salary to be paid to the s^d Andrew Hamilton towards his defreying the charge of s^d office. which most of the neighbouring Provinces do allow, the Province of New Yorke paying fifty pounds & New Hampshire twelve pounds ^ψ annu^{ly} towards y^e same

And yor Petr as in duty bound shall ever pray &c.

DUNCAN CAMPBELL." — *Ibid.*, p. 325.

* *Sic*: as?

† Executive Records of the Council, vol. 2, p. 319.

‡ Resolves, 1694-5, chapter 11.

§ Mass. Archives, vol. 122, p. 62.

|| Executive Records of the Council, vol. 2, p. 373.

¶ *Ibid.*, p. 394.

** Province Laws, 1693, chapter 3.

This petition was read first, in the House, on the sixth of June, and a second time on the tenth, when, instead of specifically granting the prayer of the petitioner, the vote constituting this chapter was passed, and on the next day was concurred in by the Council.

An order was passed in Council, May 27, 1697,* for the payment of this allowance; which, by the treasurer's account,† appears to have been done, accordingly.

Chap. 14. This chapter is from council records, vol. VI., p. 462. It is preserved in archives, vol. 70, p. 273.

The following is the petition upon which this chapter is based: —

“To the hon^d the Great and Generall Assembly of the Province of the Massachusetts Bay in New England now sitting in Boston may 30th, 1696

The Petition of Thomas Sturgis of Yarmouth

Humbly Sheweth

That John Hallett of yarmouth in the yeare 1693, was in their Maj^{ties} service for some time, for w^{ch} their accrued to him Seventeene shillings and nine pence, who afterwards had a Dibenture to the Treasurer of this Province for payment thereof. Butt inasmuch as the Treasurer then informed him that the Treasury was Empty of moneys, he gave unto y^e sd Hallett a note (beareing date February 24th 1693) upon the Constable of Yarmouth for paym^t of the same to him out of y^e Countrys mony, butt before the s^d Hallett could gett to Yarmouth, The Constable had returned the Countrys mony into y^e Publick Treasury. att Boston by meanes whereof payment was deferred. Whereupon The said Hallett (knowing yor Petition^r to be often att Boston) came to yor Petition^r and acquainted him how unhapily it fell out with him about y^e premisses, and desired that yor petition^r would befriend him soe farr as to take his ord^r and pay him his moneys, w^{ch} att his desire he accordingly did, after w^{ch} yor Petition^r made his applycation Twice to the Treasurer with the said ord^r for paym^t thereof, butt by reason (as the Treasurer then informed him) That y^e Treasury was Empty, paym^t of y^e s^d ord^r was likewise deferred; Yor Petition^r a third Time made his applycation to y^e Treasurer about y^e premisses, butt by reason he had accidentally Lost y^e ord^r could not receive any mony from him

Yor Petition^r Therefore humbly Entreates that this high & hon^{ble} Court will soe please to Consider the premisses as that an ord^r may be given to y^e Treasurer for payment of sd seventeene shillings & nine pence to yor Petition^r

And yor Petition^r shall ever pray. &c

THOMAS STURGIS ” — *Mass.*

Archives, vol. 70, p. 273.

The original vote from which the Secretary entered this chapter in his record was as follows: —

“In the House of Representatives. Voted; In answer to this petition; That s^d petition^r be allowed & paid out of the publick Treasury of this province the Sum of Seventeen shillings and nine pence. And sent up to the Lt Govern^r and Council for their Concurrence.

PENN TOWNSEND Speaker

Vot^d a concurrence in Council June, 11^o 1696.

ISA^d ADDINGTON Sec^{ry}. ” — *Ibid.*

Chap. 15. This chapter is from council records, vol. VI., p. 463. It is preserved in archives, vol. 3, p. 383.

The following is the petition upon which this chapter is based: —

“To the Great and Generall Court of the Massachusetts Province now sitting in Boston May 27th 1696

The Petition of Charles ffrost

Humbly sheweth

That Quickly after the death of Major Hooke, in the month of January 1694/5 Your petition^r was Ordered by the Right Hon^{ble} the Lt Govern^r to take the Conduct and Governm^t of all the officers & Souldiers under his maj^{ties} Pay in the County of Yorke, to see that the Souldiers in their Severall posts constantly did attend their duty in keeping of Good watches, and Scouting from place to place to observe the Enemies approach; As also to take account of all the Publick stores that were in the hands of major Hooke or elsewhere — According to w^{ch} order I have acted ever since wth as much care and dilligence as in me lay, The doing whereof hath occasioned a great deale of Travill paines and Expence, A perticular accot whereof I know not how to render, besides my owne personall expence there hath been a necessary Expence upon the Souldiers to Incourage them in their duty, for which I have not been allowed any thing by the publick, And since the providence of God hath so ordered that my habitation is a frontier, wee have been greatly under the pressure of the Enemy, & soe Rendred less Capable of Serveing the King and Country (without Support) being much Impoverished by this Long and Greivous warr which forceth me to make this my humble request att this time to this hon^{ble} Court Which is

That you please to take my case into yor Considerac^{on} and allow me Some meet Satisfaction for my Trouble and Expence in the matters aforesd for the time past, & Settle some Certaine allowance for the Time to come That soe I may be encouraged to a vigilant Care & dilligence in the King and Countrys service — And be obliged to Remaine

Yor Thankfull faithfull Serv^t.

CHARLES FFROST. ” — *Mass.*

Archives, vol. 3, p. 382.

The vote was passed, without a preamble, in the Council, June 11, 1696, and concurred in by the House the next day. In his accounts the province treasurer credits himself with the amount of this allowance as paid to Frost ‡ upon an order in Council § passed December 3, 1696.

* Executive Records of the Council, vol. 2, p. 469.

† *Mass. Archives*, vol. 122, p. 136.

‡ *Ibid.*, p. 101.

§ Executive Records of the Council, vol. 2, p. 427.

Chap. 16. This chapter is from archives, vol. 11, p. 106. It is recorded in council records, vol. VI., p. 163.

The order in Council for the payment of the sum allowed by this chapter, and the entry in the province treasurer's accounts of the sum paid by him are as follows:—

“June 12, 1697. Whereas the Great and General Court or Assembly at their Session begun the 27th day of May 1696. Voted: that there be allowed out of the Publick Treasury the sum of Ten pounds towards the maintainance of the Ministry at the Garrisons and Town of Deerfield for one yeare (then) next ensuing.

Pursuant therefore to the Act for granting unto his Majty a Tax upon Polls and Estates passed by the General Assembly at their sitting by adjournment the 18th day of November last past, amongst other things, applied for the payment of such grants and allowances as have been or shall be made by the General Court or Assembly.

Ordered: that Mr Treasurer do accordingly pay unto Mr John Williams Minister to the Garrisons & Town of Deerfield aforesaid the above mentioned sum of ten pounds.

WM STOUGHTON.”—*Executive*

Records of the Council, vol. 2, p. 474.

“Paid Mr John Williams minister to y^e Garrisons & Town of Deerfield the year 1696 allowed by the General Assembly 10^{ll} - - -.”
— *Mass. Archives*, vol. 122, p. 120.

Chap. 17. This chapter is from archives, vol. 11, p. 106. It is recorded in council records, vol. VI., p. 463.

The order in Council for the payment of the sum allowed by this chapter and the entry in the province treasurer's accounts of the sum paid by him are as follows:—

“July 8, 1697. Whereas the Great and General Court or Assembly at their Session begun the 27th day of May 1696. Voted: that the sum of Thirty pounds be allowed and paid out of the Publick Treasury towards the maintainance of a Minister at the Garrisons in Dunstable for one year (then) next ensuing.

Pursuant therefore to the Act of the said General Assembly for granting unto his Majty a Tax upon Polls and Estates, passed at the sitting thereof by adjournment the 18th day of November last past, amongst other things applied for the payment of such Grants and allowances as have been or shall be made by the General Court or Assembly.

Ordered: That Mr Treasurer do pay unto Mr Thomas Weld Minister to the Garrisons at Dunstable aforesaid the above mentioned sum of thirty pounds, he having attended the worke of the Ministry there from the 7th day of July 1696.

WM STOUGHTON.”—*Executive*

Records of the Council, vol. 2, p. 480.

“Paid Mr Thomas Weld Chaplain to the Garrison att Dunstable 10 June 1697 allowed by the Generall Assembly 30^{ll} - - -.”
— *Mass. Archives*, vol. 122, p. 138.

Chap. 18. This chapter is from council records, vol. VI., p. 464. It has not been found in the archives. The original letter constitutes chapter 56, 1695-6. See, also, chapter 22, *post*.

Chap. 19. This chapter is from archives, vol. 113, p. 130.

The following petition by the selectmen of the town of Mendon is the foundation of the vote which constitutes this chapter:—

“To the Much Honoured Generall Court Now Sitting In Boston this fourth of December 1695.

The Address of Josiah Chapin & Peter Hollbrook Select men for the Town of Mendon for the Year being, In the behalfe of sd Town

Humbly Sheweth

That by Virtue of an order of the Honourable Council your Petitioners were ordered to attend upon this Honoured Assembly to answer for Contempt or neglect of attending a warrant sent by the Treasurer by order of the Generall Assembly for the assessing of sixty five pounds upon our Town, In obedience to which Your Petitioners made their appearance, & made answer that no such warrant ever came to their hands, nor indeed did we (considering what steps the Law regulating that Tax required) ever Jndg^t that sum. due from us, but being assured that the order of Generall Co[urt*] since that Law enacted must be complied with; we are bold to represent the low & extraordinarily afflicted Estate of our Town to Your Honoured selves hoping that we shall find that reliefe In your mercy, which we are out of hopes of obtaining In another way. May It therefore please your Honors to be informed that our Town being a frontier Town hath for diverse yeares past been for two months together & that the cheefest time in y^e year enforced to spend our time In watching & warding for the security of our lives & estates which besides all those losses we sustaine by being driven Into heapes amounts to a great deal more than the sum demand of us, unto which we take y^e liberty of subjoyning that by reason of the blast on y^e English graine, & the frost taking the Indian there is not enough left to us as will (we are fully assured) serve the Town till y^e end of May & how we shall be able to subsist we know not, There is nothing but a small stock of Catle left to us the most being already enforced to sell a Considerable part of y^e stock to answer their assessments; for our own parts we dread to think what will become of us, & how we shall be able to uphold y^e Ministry of y^e word amongst us being so extraordinarily reduced, & Most. so every way unable to assist therunto. Our humble request is that the sum above exprest may be remitt^d to us, & that for the future we may be Considered with respect unto those Yearly troubles have been upon us, & which we cannot but be in expectation of; that we may not be enforced to spend our Time in securing the other Towns who can (having such an Outwork) follow

* Manuscript mutilated.

their business without any such diversions & troubles, & yet have such anuall charges to grapple with which will force us to pluck up stakes & seek releife & shelter where God shall open a door to us. Not further to Trouble Your Honours we subscribe our selves

Your Honours bounden servants.

JOSIAH CHAPIN

PETER HOLBROOK

JOSIAH TORREY."—*Mass.*

Archives, vol. 113, p. 130.

The vote originated in the House and was passed by both branches on the same day.

Chap. 20. This chapter is from council records, vol. VI., p. 466. It is preserved in archives, vol. 62, p. 99. See note to resolves, 1698, chapter 29.

Chap. 21. This chapter is from council records, vol. VI., p. 467. It has not been found in the archives.

The order in Council for the payment of this allowance out of the province treasury was passed July 15, 1696,* and the treasurer's accounts† show that it was paid accordingly.

Chap. 22. This chapter is from council records, vol. VI., p. 467, and archives, vol. 2, p. 240.

The joint committee appointed on the eleventh of June advised the sending of the letter, a draught of which constitutes this chapter. See chapter 18, and note, *ante*.

At the same time this letter was written to Connecticut the following letter was sent to the selectmen of Suffield and Enfield:—

"Boston, June. 16th 1696

Gent^l./.

The reiterated Complaints made by yor Selves of the Molestations and Trespasses comitted upon the Inhabitants of yor Town by the people of Winsor within the Colony of Connecticut under pretence of the claim made by that Governm^t that you fall within the Line of their Jurisdiction, have been laid before the General Assembly here; which have so far been taken notice of, as that several Letters have been written to that Governm^t on Occasion thereof, representing to them the unjustness and unreasonableness of their said claim, and a meeting had by Comission^{rs} from the respective Governm^{ts} for the concerting of methods to issue the same but all declined on their part, So that the Governm^t here have resolved to assert and maintain their Line anciently run by men of approved and unquestioned Skill which fully takes in yor Town, and have Signified the same unto Connecticut; Expecting that yor Selves do yield all due and ready obedience to the Orders and Comands of this his Matys Governm^t who will at all times Encourage and defend you in so doing, against the unreasonable and unjust pretentions and claim made by Connecticut.

Yor Loveing Friend

W. STOUGHTON."—*Mass.*

Archives, vol. 3, p. 58.

Chap. 23. This chapter is from archives, vol. 58, p. 156. It is recorded in council records, vol. VI., p. 467.

In the former votes of allowance to the president of Harvard College, the House had expressed its desire that he should reside near the college. This year, however, the vote which originated in the Council seems to have been passed by the House in concurrence without condition or comment.

The order in Council for the payment of this allowance was passed October 15, 1696.‡

Chap. 24. This chapter is from archives, vol. 70, p. 278. It is recorded in council records, vol. VI., p. 467.

The year 1694–5, O. S., closed without open hostilities of any great moment on the eastern frontiers. The capture at Pemaquid of some leading Indian chiefs, who were held as hostages at Boston, enabled the English, by parleying with their savage foes, to avoid a serious rupture and even to recover from captivity some of their countrymen.

During the following summer there were occasional raids by the Indians, at Pemaquid, Saco, and even as far north as Billerica, but upon the whole the year was signalized by peace, which was improved by Lieutenant-Governor Stoughton to propose to the Governor-General of New France the suppression of barbarities in the treatment of Christian men and women attacked or captured by the Indians in future warfare.§

* Executive Records of the Council, vol. 2, p. 406.

† *Mass. Archives*, vol. 122, p. 82.

‡ Executive Records of the Council, vol. 2, p. 420.

§ Matthew Carey was sent to Quebec to negotiate this treaty the terms of which are shown in the following paper remaining in the archives:—

"Proposals made by Mathew Cary to his Excellency Count Frontinae Gouvernor of Canada in the Beehalfe of Christyan Subjects taken by fforce of Armes—

First That there might bee an Accord or Agreement made Betwixt the three Gouvernements Mathachusetts Yorke and Canada That Each Gouvernor Shall Indeaavour Either by Order Comand or Perswasation to Withdraw and forbid for the future all and Either of their Subjects Christians or Indians to vse or Exercize that Barbarous and Most Inhumaine Massacre daily Inflieted on the Bodes of Our Subjects That is by cutting Scalping or Burning Any of Either Natiou taken by force of Armes—

Secondly That If any of our Christian Subjects that for the future Shall by force of Armes fall into the hands of Either Nation Christian or Indian Subjects that the said Subjects by their Proper Gouern^r Shall bee orderd & perswaded to saue and Preserve alieue If Possible all such Prison^{rs} Men women or Children untill oportunity Present for their deliuey by way of Ransoms or otherwise appointed by their respective Gouverno^{rs}

French privateers were infesting the coast and gave constant employment to the Province Galley and to the two frigates which had been detailed from England. One of these, the *Sorlings*, which had been sent the year previous to the Bay of Fundy to intercept the ships bringing stores from France for Villebon who was in possession of the territory on the river St. John claimed by the French, was obliged to retreat as had been other forces sent to remove the French commander. Up to this time Massachusetts (although interrupted by Villebon's hostile demonstrations) had held Port Royal and the adjacent territory of Acadia as part of the English dominions which the colonial forces had recovered. The expediency of longer attempting to hold these posts for the crown began now to be seriously questioned; and, accordingly, the king had been addressed by the General Court to assume the burden of maintaining the fort at Pemaquid, and urged to settle both Port Royal and St. John and to take the immediate charge of these possessions. In the spring of 1696, however, intelligence having been received that several privateers were being fitted out for Port Royal the Assembly advised that an expedition "be forthwith made thither for the Suppressing of them."*

This advice was given upon the report of a joint committee consisting of John Hathorne, Elisha Hutchinson and John Phillips, of the Council, and Messrs. Byfield, Leverett, Partridge, Church and Converse, of the House, which had been appointed on the twenty-ninth of May "to consider of the Measures proper to be taken for the Securing of the frontiers and prosecuting of the Warr, and particularly for the disresting and removal of the french from their Settlements in the River of St Johns; And to make their report thereon unto the Councill Board on Tuesday the 2^d of June next."† The report was duly made as follows:—

"The Report of the Committee appointed to Consider of proper measures, for y^e Secureing y^e frontiers, & Prosecuting y^e Warr; Perticulerly for the Disresting, and Remoneall, of y^e french from their Settlement in y^e Riuer of St Johns.

- 1 { We are humbly of opinion, y^t the Soldiers already Raised; & in pay, be
improved for the Strengthening and Secureing of the frontiers of this Prouince, as
the Hon^{able} W^m Stoughton Esq^r Lt. Gouver^r and Commander in cheife; shall see
cause to Direct & appoint —

At this I made a Pause Expecting his answeare, hee ordered mee to Proceed Bidding his Scribe Sett Each Sentence in order.—

Thirdly That It might bee nessesary for Each Gouverno^r within his Respective Province to appoint a Particular Person whose Charge should bee to take Care of all Prison^{rs} taken by force of Armes Brought into his Precincts Either Sailors or seamen that Provision may bee made to supply the Necessities If any bee sick or Wounded Naked or In Want That They may bee supplied on the Publick Charge untill in Capacity to worke or oportunity P^rsent for their Transportation to their Respective habitations or otherwise where the Gouverno^r shall appoint Moreover that the said Person aboue Mentioned shall at all such Occasions bee Carefull to Keepe an Exact Register of all such ships officers souldiers & seamen the ships Burthen from what Port & whereto Beelong Likewise the officers & mens Names who dead or aline where & when transported that the said Person might bee able at all times to deliuer the said account when soe Required.—

Powerthly That it may bee requisitt for a Small vessell to bee Employed and Maintained on the Equall Charge of the three Gouvernements for the Better and more speedy transport of Either Subjects to the Place appointed by Either Gouverno^r, The mast^r or the Comd^r of the said Vessell to haue a Pasport from Each other for his Safe Conduct Both for himselfe & ships Company and as Boston Beeing in the Center and the most proper place to fit and Maintaine the said vessell in Where those of the french Nations taken to New Yorke, May bee transported Either by Land or Sea from thence to St Johns or where Elce appointed by their Proper Gouverno^r.—

Fifthly, That for the Incoragement of all those of our Christyan Nation that shall at Any tyme buy Barter or Truck or by any other meanes Redeeme any of our Christyan Subjects men women or Children that shall bee Captivated into the hands of Either Indyan Enimyes the said Person soe doing shall Receive the full vallew Either by mony or truck and a Consideration for any further Charge or Trouble Moreover If the said Captive soe Bought is Capeable of Labour & the master or Buyer soe require to worke out the said summe allowing the full Wages as is Customary to Natives Borne of the said Province and If in Case that in the Intervall of y^e said time the Ransome may bee Produced or the Remaining to ballance the whole that then hee or shee might haue Liberty by the Next oportunity to Returne to their owne Habitation

Sixthly That Either Gouverno^r shall order or Comand that Neither subjects shall for the future sell Barter or dispose or otherwise giue to any master of ships Merchants or others own^{rs} of our Christyan subjects taken by force of Armes men women or Children whereby they might bee transported or sould as Slaves to any forreigne Plantations without the Lycence of the Gouverno^r or Relations.—

Lastly That it might bee Either ordered or forbid by Either Gouverno^r that Either of their subjects Christyans or Indians for the future to forbear Cutting scarrifying or making any Impression by herbes Rootes or Gunpowdr or any such Instruments that might distigure the skin in face hauds or any other Part of the Body of Either Christyan Nation men women or Children." — *Mass. Archives*, vol. 2, p. 532.

The following memorandum on a torn scrap of paper in the same collection appears to belong to the foregoing:—

"That at any tyme hereafter shall happen to bee Captivated into the hands of Either." — *Ibid.*

The following order in Council for commissioning Carey was passed August 1, 1695:—

"Mr Matthew Carey was sent to and desired to goe to Canada, upon the Vessell now designed thither to fetch home the English Prisoners, and to manage that affair with the Governour of Canada, and directed that Instructions be given him accordingly." — *Executive Records of the Council*, vol. 2, p. 356.

In a communication to the New England Historical and Genealogical Register Mr. William B. Trask has published the above proposals, together with Carey's instructions and other interesting documents relating to this mission. — Vol. XXIV., p. 286.

* March 2, 1695-6. Council Records, vol. VI., p. 441.

† *Mass. Archives*, vol. 70, p. 269.

- 2^d { That his Hon^r the Command^r in cheife be humbly moued to giue strict ord^{rs} to all the officers in the Seuerall fortifications & Townes which are y^e frontiers of this Province; that they at their utmost perrill, faile not to be Constant & deligent, in watching warding & scouting (that they be not surprized) which Duty, (we are informed) is much neglected
- 3 { That a Sutable sloop, or shallop, be provided, & sent to pemaquid, to Attend the Occations of that fortification; in Ketching of fish; fetching of fier wood; and doeing any other thing nessesary & proper; According to Direction;
- That the Diresting and Remoual of the french from their settlement in St Johns is Highly nessesary; in order to the Safety & Quiett of his maj^{ties} Subjects inhabiting this Country; for the Accomplishing whereof (By the Blessing of God) we are of opinion that not Less then fowr hundred able Soldiers, be forthwith Raised; & well equipt, in ord^r to their being transported and Landed in the most Sutable Place in the Riuer of St Johns,
- That Eight sutable vessells be provided with men Sutable to Sayle them. in ord^r to transport y^e Said Soldiers, and that the whole be put under a Sutable Conduct;
- That there be provided to Carry on y^e Said Designe, one hundred and fifty Barrels of Porke;
- Thirty thousand pound of Biskett; & flower
- Six or Eight peices of Ordnance, to Bring against y^e fort in ord^r to the makeing a Breach, in Case other Attempts faile
- For all which that there be provided
- 200 : Great shott fitt for y^e Gunns
- 20 Barrels of Good powder
- 30^l of Ball of Sutable Sises to fitt y^e small Armes
- That a time be pitched upon when y^e uessells and men, and all things proper for Said expedition may be Ready togather; w^{ch} will be uery Seruiceable in ord^r to y^e Lessening of y^e Charge:
- That Since these his Maj^{ties} Territoryes, will haue an equall Benniffitt in Such an enterprize (if succeeded)
- That Speedy, & Due Application be made to the Gouvernements of Conecticot, & Road Island, & to the Hon^{ble} John Vsher Esq^r Lt Gouer^r & Command^r in Cheif of his maj^{ties} Province of New-Hampshire, for their Proportionable, aides, & Assistances; in this nessesary worke;
- 5 { That the Hon^{ble} William Stoughton Esq^r Lt Gouer^r & Commander in Cheife of this his maj^{ties} Province of the Massachusetts Bay in New-England & Vice Admirall of the Same, be Humbly moued forthwith, to Send his Maj^{ties} Two frigotts,* to St Johns, and Bay of fundye, there to Cruse; in order to the Pre-venting Supplyes & Recruits, coming to y^e french, & Indians in those partes, & to Annoye the enemy what they Can;
6. { That vpon Returne of the Armie from St Johns they be ordered to put in at Pemaquid; for orders to proceed with y^e whole or Such part of y^e Armie, as y^e Hon^{ble} the Lt Gouer^r shall thinke meet to appoint; to march to y^e head quarters of our Indian Enemye & to persue them as there may be Oppertunity & Occasion./
- JOHN HATHORNE }
NATHAL BYFIELD } In y^e name & by the ord^r of

Voted in y^e
Negative

the Committee." — *Mass. Archives*, vol. 70, p. 274.

On the third of June this report was sent down to the House where it was immediately read a first time. On the fifth it had had its third reading in the House and was sent up to the Council with the following vote thereupon: —

"The first Second Third and fifth paragraphs of this Report were read in the House of Representatives, Voted and pass'd in the Affirmative and sent up to the Hon^{ble} the Lt Governor and Council for his and their Assent thereto.

June 5th 1696.

PENN TOWNSEND Speaker." — *Ibid.*, p. 275.

At the same time the House passed the following vote of advice that the governments of Connecticut, Rhode Island and New Hampshire be applied to, to furnish assistance in the undertaking: —

"Whereas the frontiers of this his Maj^{ties} Province is uery Large, which are Continually exposed to the Rage and Crueltys of our french and Indian Enemies; the Secureing whereof Cal's for such a Constant Supply of Such a number of Soldiers to Be in Garrison, & to Attend the Dutyes of watching & scouting; and also the Keeping out of the Galley to Secure y^e Coast, & to be a Connoye to the Coasting nessesells, coming into, and sayleing from this Prouince; all which are accounted highly nessesary to be done; and Since these his Maj^{ties} Territoryes haue an equall beniffitt with our selues, in the Secureing the Coast, & frontiers of this Province; the Great Charge where of is become unsupportable by his Maj^{ties} Subjectes inhabiting this Province we are Humbly of opinion that speedy & Due Applications be made, to the Gouvernements of Conecticoat, & Road Island; & to the Hon^{ble} John Vsher Esq^r Lt Gouer^r & Command^r in cheife of his Maj^{ties} Province of New-Hampshire for such aides & Assistances as are absolutely nessesary to inable his Maj^{ties} Subjects here to Defend & secure y^e Province." — *Ibid.*, p. 276.

The report contained the minute, in the margin, which appears opposite the fourth clause as here given. On the same day the report was read at the Board, and on the thirteenth it was read again, "and left to further considerations."

The vote which constitutes this chapter was read first, in the House, on the sixteenth of June, sent up to the Council for concurrence, concurred in, and signed by the Lieutenant-Governor on the same day.

* The Sorlings and the Newport Galley.

The act,* under which similar encouragement had been given for the prosecution of the war against the Indian enemy, would have expired on the twenty-eighth of June, 1695, had it not been continued to the seventeenth of August by a later act.† This chapter continued the provisions of the later act in force until December 16, 1696.

There is a material omission in this chapter as it appears in the records of the Governor and Council. After the word, "for," in the sixth line of the order, as here printed, the eleven words which next follow are not recorded.

Besides the naval preparations for the Bay of Fundy, which consisted of the two frigates of the English navy — the Newport Galley, Captain Paxton, and the Sorlings, Captain Eams, and a yacht tender, — an Essex regiment of about four hundred and sixty men under Lieutenant-Colonel Bartholomew Gedney‡ was detailed for duty on the eastern frontier to rendezvous at Kittery or York and there to join, if need be, an equal force of English volunteers from Connecticut, Rhode Island and Massachusetts, and some Indians from Bristol County, under the command of Major Benjamin Church, who was to head the expedition.§

For the results of these expeditions see the note to chapter 35, *post*.

Chap. 25. This chapter is from archives, vol. 113, p. 137.

The following is the petition referred to in this chapter: —

"To the honorable William Stoughton, Lieut Gov^r the honourable Council, and assembly of the great and generall Court of the Massachusetts Bay in New England

Matthew Mayhew of Marthas Vineyard, representing the towns of Edgartown and Chilmark, on the s^d Marthas Vineyard, humbly prayeth.

That whereas, the inhabitants of the said Marthas Vineyard were by an act passed in this great and generall Court Doomed to pay the summe of three hundred pound, as their proportion, of a tax or assesment, for raising the summe of thirty thousand pounds to be raised in this province; and whereas the inhabitants of sd Island Marthas Vineyard have prayed that the said summe should not be there collected for divers reasons therefore offered; and whereas they humbly conceive that by reason of s^d doom they have been Estimated, as more of Estates lyable to bear, the charge of the province then, had their Estates been truly known, would have been of them demanded. Therefore s^d Matthew Mayhew in behalf of s^d Island prayeth that by an act of this great & generall Court, the s^d summe of three hundred pound may bee, remitted, and they shall more chearfully pay the severall summes, now as due demanded of them; all which yo^r petitioner humbly laying before this great and generall Court, humbly prayeth for, and shall alwaies pray &c

Yo^r hon^{rs} humble Supplicant

MATTHEW MAYHEW." — *Mass.*

Archives, vol. 113, p. 137.

The petition was read first in the House on the seventeenth, on which day it was passed by both branches.

This abatement was recognized in the tax act passed the same day. See Province Laws, 1696, chapter 3, § 6.

Chap. 26. This chapter is from council records, vol. VI., p. 468. It is preserved in archives, vol. 16, p. 519.

It is not certain that the vote which constitutes this chapter received the approval of the Lieutenant-Governor, which was indispensable to its becoming a law. In the petition to the General Court in 1701, which is hereinafter printed in full, the petitioners declare that this "bill" was "never perfected," — a declaration which would scarcely have passed uncontradicted if it were not true. Still, since the vote remaining in the archives has all the characteristics common to perfected votes and resolves, and was, moreover, recorded by the Secretary as having been passed, it has been deemed proper to include it here and to leave the question of its validity to be determined by other inquirers.

The following is the petition referred to in the preamble of this chapter: —

"To y^e hon^{ble} y^e Great & Gener^l Court convened at Boston May. 27. 1696

The Petition of Elisha Cooke Jn^o wiswall & Jn^o Floyd

Humbly sheweth

That in the time of y^e late Govern^{mt} managed by y^e President & Council yo^r Petition^{rs} with others their Tenants were turned out of y^e possession of several messuages & Tenements at Rumny Marsh which was y^e late Capt^t Keayns Farme & a Pasture in Boston at y^e Suits of Coll^l Nicholas Paige & Anna his wife who were then put into y^e possession thereof; which Judgments yo^r Petition^{rs} conceiving to be verry erroneous & unjust did at y^e Inferior Court held at Boston in Octob^r last past enter our Action of Review; but several of y^e Justices of y^e s^d Court declaring their Opinion, That by y^e Lawes of this Province all such Actions are barred yo^r Petition^{rs} were denyed to proceed with s^d Action, whereby they are rendred incapable to recover their Right

Yo^r Petition^{rs} do therefore pray that by y^e Authority & Justice of this hon^{ble} Court they may have relieff in y^e p^{mi}sses, & be enabled to Review y^e s^d Judgm^{ts}

And shall ever pray &c." — *Mass.*

Archives, vol. 16, p. 519.

This petition was read in the Council on the sixteenth of June and sent down to the House where it was concurred in on the seventeenth.

* Province Laws, 1694-5, chapter 10.

† *Ibid.*, 1695-6, chapter 3.

‡ Gedney marched with his regiment from Salem before the middle of August. He was accompanied by a troop under Captain John Turner. — *Mass. Archives*, vol. 51, pp. 63, 64.

§ Church sailed from Boston without his full complement, on the fifteenth of August — it having taken him until that time to raise and equip his forces and to furnish himself with whaleboats in which to convey his men in pursuit of the enemy up the narrow and shallow inlets of the coast of Maine and Acadia. He remained at Piscataqua nearly a week for reinforcements which never came.

The actions sought to be reviewed were two writs of ejectment tried according to the technical forms of the English law. The following is the record of one of these suits:—
“At his Majesty’s Court of Pleas and Sessions of the Peace holden in Boston for Snffolk on y^e 27th of July 1686 *Anno RRis Jacobi Angl^e &c^a Secundi Secundo.*—

Present:
W^m Stoughton Esqr.
Judge

John Pynchon. } Esq^{rs}
Wait Winthrop. }
Edw^d: Randolph. }

Rich^d Wharton. } Esq^{rs}
John Usher. }
John: Richards }

Simon Lynd
Assistants.

Turell.
versus
Dyer:

Daniel Turel Plant. *versus* Giles Dyer in *Ejectione firmæ* from two messuages or Tene-ments scituate lying and being in Rumney Marsh, and one aere of Pasture Land in Boston, in the County of Suffolk: Capt. Nathaniel Thomas attourney to Capt Nicho: and Dame Anna Paige the Lessor^s of the Plant. appearing; and Elisha Cooke in behalf of m^{rs} Eliz^a Cooke, Is^a Lewis; John Wiswall sen^r John Wiswall Jun^r and John Floyd Tenants in Possession were admitted defendt^s and Entered into the following rule of Court:

It is ordered by the Consent of Nathaniel Thomas attourney to Capt. Nicho: and Anna Paige Plant. and Elisha Cooke for m^{rs} Eliz^a Cooke and Is^a Lewis. John Wiswall sen^r & John Wiswall Jun^r and John Floyd for themselves in the County afores^d, for that the s^d Elisha Cooke &c^a are allowed defendents who are without delay to appear and plead by themselves or attourney to a genarall Issue at this Court and at the triall thereupon to be made the s^d Cooke &c^a shall appear in their proper Persons or by their Counsell or attourney and acknowledge a lease, Entry, and Ouster, or That in defect Judgement shall be Entered against the Casuall Ejector but further prosecution against him is suspended untill y^e s^d Elisha Cooke &c^a have made a defect in some of the premises and by the assent of the Counsell it is ordered further by the Court that the afores^d Elisha Cooke &c^a shall Take no advantage against the Plant. for his not prosecuteing upon the triall occasioned by such kind of default, but that the afores^d Elisha Cooke &c^a shall pay the Plant^s Costs of Court to be appointed; and it is further ordered That the s^d Capt. Nicho and Anna Paige Plant. shall pay the Costs of the defendents, which the s^d Court shall appoint or adjudge:.

at the s^d Court by adjournmt Aug^o 5. 1686

The pleas of both parties being fully heard and evidences read the Case was Committed to the Jury who returned their verdict thereon they found for the Plant. the Lands and Tenements sued for and Costs of Court. It is therefore Considered by the Court That the Plant^s shall recover the afores^d Lands and Teneiments, and additionall dammages for Costs of Sute:

The defendents appealed from this Judgement unto the next Court of Grand assise; and the afores^d John Wiswall sen^r John Wiswall jun^r, & John Floyd, & Elisha Cooke for m^{rs} Eliz^a Cooke and Is^a Lewis, became bound Jointly and severally to our sov: L^d the king in the sūme. of two hundred pounds moūy upon Condition that they will prosecute their appeale at the afores^d Court of Grand assize to effect.”— *Records in the office of the clerk of the Superior Court in Suffolk County.*

The following is the record of the case in the Court of Appeals and Grand Assize, upon appeal:—

“Att a Court of Appeals, Grand Assize and generall Goal delivery holden at Boston in y^e county of Suffolk in the territory and dominion of New-England Novembr 2^d 1686. *Annoq; RR^s Jacobi Angliæ &c^a Secundo,*

Before y^e honorable Joseph: Dudley Esqr President &c^a
W^m Stoughton Esqr Dep: Presid^t

Peter Bulkley }
Richard Wharton } Edward Randolph }
Bart: Gidney } Waite Winthrope }
and Edward Ting } John Usher } Esquires &
of y^e Councill

Cooke &c^a
versus
Paige.

Elisha Cooke, John Wiswall senio^r, John Wiswall jun^r and John floyd Appellants *versus* Daniel Turell Lessee of Capt Nicholas Paige and dame Anna Paige his wife appellees, from y^e verdict of Jury and Judgement of the court of pleas, holden for his majestie at Boston for the Count^y of Suffolk on the 27th day of July 1686. *Annoq; RR^s Jacobi Angliæ &c^a Secundi Secundo.* That is to say.

[Here the record of the case in the court below was recited.]

The defendants appealed from this Judgement, unto his majesties next court of appeales and grand Assize, to be holden at Boston before the Honourable his majesties President and Councill for this his Majesties territory and Dominion of New-England November the 2^d 1686.—

And accordingly at this day the said Appellants Elisha Cooke, John Wiswall sen^r, John Wiswall jun^r and Jn^o floyd came into this court, and defended the wrong and Injury when &c[;] and say (as in y^e former court they said) that th^{ey} are not guilty of y^e tres-passe and ejectment as the Appellees have objected against them; Therefore the Provost-marshall is comanded to summon a Jury to try the said case betweene the said Appellees Daniell Turell lessee of Capt: Nicholas Paige, and Dame Anna Paige his wife, and the said Apellants, for that the said Appellants as well as the s^d appellees have put themselves upon the Jury &c[;] and the said Provost-marshall did according to the comānd of y^e court, present a pannell to try the s^d case, vizt

Cooke &c^a.
versus
Paige. —

Joseph Lynds.
Sampson Sheafe.
Francis Burroughs
William White.
Daniell Brewer.
John: Breck.

John Minott
Peter Woodard
William Deane
Samuell: Goffe.
John: Hammond.
John Mosse

} Juro^{rs}.

who were empannelled and sworn accordingly to try the said case, and the pleas of both parties being fully heard and evidences read, the said case was Comitted to the Jury vizt the said Joseph Lynds, Sampson Sheafe, Francis Burroughs, William White, Daniell Brewer, John Breck, John Minott, Peter Woodard, William Deane, Samuel Goffe, John Hammond, & John Mosse. who being required to give theyr verdict in the said case, being empannelled and sworn as aforesaid, and the marshall sworn to keep them and they returned into the court and doe say upon theyr oaths that they find for the Appellees confirmation of the verdict of the former jury vizt, they found for the Appellees, the Lands & tenements sued for and costs of courts./

Costs were
l s d
18:05:8

Therefore, itt is considered by the said court yt the aforesaid plaintiffe, ought to recover his aforesaid tearme yett to come, of & into the said two messuages, or tennements, Scituate Lyeing and being att Rumney marsh in ye township of Boston, and also the said aere of pasture land in Boston, all in the County of Suffolk afores^d with theyr appurtenances to enter.

And now the s^d Appellants, Elisha Cooke, John Wiswall sen^r John Wiswall jun^r and John Floyd appealed from the said judgement of this his majesties court of Appeales and Grand-Assize, to his majestie in Councell, which appeale was allowed by the court upon condition, that the said Appellants forthwith give bond with sufficient sureties to the vallew of one thousand pounds sterling unto the said Captⁿ Nicholas Paige & That they the s^d Appellants by them selves, or theyr Lawfull attorney, doe draw forth from the Secretary, and Clarke of the said court, coppies of the Records, Judgement, pleas & Evidences on both sides, and Lay the same before his sacred majestie in Councell, and prosecute the s^d Appeale to efect, soe as to shew forth before his majesties said President & Councell, or other his majesties Gouuernment for the time being for this territory, within nine months next comeing, (or such farther time as his majestie shall please to allow) his Majesties finall judgement and resolution in the said case of Appeale, and his direction thereon, and pay such costs as shall be Determined by his Majestie, within[*] dayes next after the returne of such Judgement." — *Records of the Superior Court of Judicature, 1686-1700, pp. 5-8.*

The act of December 11, 1693,† provided "That when any tryal, judgment, sentence or decree has been had, given or made in any of the county courts within the late colonies of the Massachusetts or Plimouth, or province of Main," since the year 1686, "and no review or appeal thereupon heretofore had and prosecuted, it shall and may be in the liberty of either party . . . agrieved, within the space of twelve months next after the date of" the "act and not afterwards, to bring his or their action of review to the inferior court of common pleas to be held for the same county where the action was first tried." A right of appeal was also given from the judgment of the Court of Common Pleas.

Elisha Cooke and others, against whom judgment had been given as above, brought a writ of review in the Court of Common Pleas for Suffolk at the October term, 1695. The case was continued to the January term 1695-6 when the plaintiffs in review were nonsuited. The following is the caption of the record and the conclusion of the judgment of that court:—

"At an Inferiour Court of Common Pleas holden at Boston for the County of Suffolke on the First Tuesday of January 1695/6.

| | | |
|-------------------|---|-------------------|
| Present | | |
| Elisha Hutchinson | } | Esq ^{rs} |
| John Foster.— | | |
| Isaac Addington | | |
| Peter Seargeant | | |

The Parties appeared, The Deft pleads, That the now Pl^{ts} their writ of Review ought not to have & maintain ag^t the Defend^{ts} in this Court, for that no action will ly in this Inferior Court of Pleas upon a Judgem^t given in the Court of appeals or Grand assize mentioned in the Pl^{ts} writ and also for that there are several other persons mentioned in the Process, Record & Judgem^t upon w^{ch} the writ of Review is brought w^{ch} are not mentioned in the writ of Review nor any legal representative also that the sd action of Review is barred by the Province Law Entitled An Act for Establishing Courts of Judicature &c page 41. The Court advising thereon, are of Opinion the action could not proceed." — *Records in the office of the clerk of the Superior Court in Suffolk County.*

In the hope of reversing this judgment of the Inferior Court of Common Pleas, Cooke made the application first above described. Whether this chapter was really passed or not it is certain that the defeated party did not again resort to the courts until after the act of December 11, 1693, had been disallowed by the Privy Council. In 1701, at the November term, in Suffolk, of the Superior Court of Judicature, of which Cooke was one of the justices, he and his co-plaintiffs entered another action against Daniel Turell "on review of a plea of trespass and ejectment," — being the last trial of the case in the Court of Common Pleas. Here the plaintiffs in review were again defeated, the judgment of the court being as follows:—

"Its Considered by the Court that the Law of this Province Entitled an Act for Review in Civill Causes‡ made in the Thirteenth year of his Majestys Reign doth barr this action from proceeding and that the Defend^t recover Costs of Court."

Upon this final defeat the discomfited parties again applied to the Legislature in a petition which is given below, and in which the story of this case is told with such fulness that no comment is necessary. It is as follows:—

"Province of the Massachusetts Bay in New England. To the Hon^{ble} the Great and General Court or Assembly convened at Boston February 18. 1701

The Petition of Elisha Cooke, John Wisewall, Sarah and Hugh Floyd Administrators of John Floyd.

* Cancelled so as to be illegible.

† Province Laws, 1693-4, chapter 11, § 1.

‡ *Ibid.*, 1701-2, chapter 6.

Humbly Sheweth

That your Petitioners Predecessors Mess^{rs} Richard Cooke and John Wisewall in December 1663 bought of Mr Edward Lane a Farme at Rumney-Marsh and one Acre of Pasture Land in Boston which did formerly belong to Cap^t Robert Keayne Grand father of M^{rs} Anna Paige, Which they and their Assignes enjoyed without any Suit brought against them for more than Twenty years — That after the *Quo Warranto* came against the Government and before the change thereof Coll Nicholas Paige and his Wife sued for possession of said Farme and Pasture in two actions upon this only Plea, That the s^d Anna is the next of Kin to s^d Cap^t Robert Keayne and therefore all the Estate he dyed seized of did descend and appertain to her as heir, but s^d Keayne having by his last Will & Testament disposed of his whole Estate both Real & Personal and so broke the descent, They were cast in both Suits notwithstanding they continued them to y^e last Remedy of attainting the Jury.

That in the year 1686 after the Change of the Government s^d Coll Paige and his Wife brought their actions again for s^d Farme & Pasture, one at Boston in July, the other at Cambridge in October following (not by Review) but *Ejectione firmæ*, under fictitious names, a Way of Trial which this People were altogether unacquainted with, having never been practised in New England before, and Judgments were Rendered for the Plantiffs and afterward confirmed by the Court of Appeals held at Boston in November following, and Executions Issued accordingly and the Plantiffs put in possession.

That upon the happy Revolution 1689 one of your Petitioners was by the Government sent for England to serve them there, in whose Service he continued about three years, and was thereby hindered of recovering his Right during y^t Govern^t And upon his Return finding that by a Law of this Province Entituled an Act for the quieting of possessions & settling of Titles; Three years possession after the first of October 1692 would give an uncontrollable Title to the possessors, Your Petitioners *anno* 1695 and before the expiration of the three years brought their Action of Review of one of the Actions & Judgments obtained against them by s^d Coll Paige and his Wife in 1686, but were denyed to proceede therewith, The Justices of s^d Court declaring that by a Law of this Province made *anno* 1693 all such Actions were barred. Whereupon your Petitioners addressed the General Court in May 1696 praying to be enabled to Review the s^d Judgments, for which a Bill was passed by the hon^{ble} Council & consented to by the house of Representatives, but never perfected. The year following the afores^d Law for three years possession Entituled an Act for quieting of possessions &c was returned repealed by his Majesty.

And in October 1697 another Law was made Entituled an Act of Limitation for quieting of possessions, which required a quiet possession from October 1st 1692 untill October 1st 1704. to give a good Title. And sometime after, the forementioned Law made in 1693 (by which your petitioners were sayd to be barred in their action of Review) was also by his Majesty Repealed.

The Petitioners now thinking their way clear for recovering their just Right in s^d farme and Pasture did in November last commence an action of Review for Reversing one of s^d Judgments against them in 1686, but were again barr'd from proceeding therein by an Act of this hon^{ble} Assembly Entituled an Act for Review in Civil Causes made in May last, which your petitioners humbly conceive to be a great hardship upon them: The Limitation of three years in the Proviso in that Act being so worded as its construed to look backward, whereas none of the former Acts respecting Actions of Review had any such Retrospect and my L^d Coke in his Institutes p^t 2. pag. 292. saith It's a Rule and Law in Parliament that regularly *Omnis nova constitutio futuris Temporibus formam Imponere debet, non præteritis*. It's a common saying Laws ought to look forward and not backward. By this Act if Construed so as to look back your Petitioners and all others against whom wrong Judgments had been obtained three years are denyed the Benefitt and Priviledge of the s^d Law Entituled Limitation for quieting possessions, which gives libertie to all men to bring their Actions for recovering their Right in Lands at any time before the first day of October 1704. Which this Law if it look backwards forbids, which we presume was never the Intent of s^d Law: thus those two Laws seem to militate as in the Case of your Petitioners, Coll Paige being possessed by Virtue of Judgment the Petitioners cannot recover possession without setting a side the s^d Judgments, and Our Law provides no other ways or means to reverse a Judgment but by an Action of Review, and this Law sayth they shall not Review.

Your Petitioners therefore humbly pray, that they may not be forever out Lawed, but by the Authority Wisdome and Justice of this hon^{ble} Court they may have Relieff in the premisses, and either by a Special act or otherways as to your prudence shall seem meet, they may be enabled to Review the s^d Judgments

And your Petitioners shall ever pray &c

ELISHA COOKE
JOHN WISWALL
HUGH FLOYD." — *Mass.*

Archives, vol. 45, p. 272.

This petition was read in Council on the twenty-sixth of February, 1701-2, and read again the next day, when it being put to the vote "whether the petition should be granted?" it was declared in the affirmative. On the next question "whether a private bill shall be made for the relief of the petitioner?" it was also decided in the affirmative by the voices of fourteen councillors—five of them saying "provided that Col. Paige be notified." A third question was "whether Colonel Paige shall be notified to attend tomorrow, at ten in the morning, or sooner if it may be?"—which was also decided affirmatively. Paige "was accordingly notified, and appeared," and on the twenty-eighth, the day the Assembly was adjourned or prorogued, a bill was brought in to the Council to enable Cooke and others to review the two judgments rendered against them in 1686. This was all that was done in relation to this matter during that session.

The bill was revived in the next Legislature, and proceeded as far as a second reading on the tenth of June, 1702, when it was dropped.

This case, it would seem, proved interesting to others besides the parties engaged in it. To Sewall's phlegmatic mind it was a forensic joust worthy to be specially remembered; and, accordingly, in 1686, he recorded Paige's victory in the first tilt, and, under date of September 18, 1695, he makes the memorandum, "This day . . . Mr. Cook enters the Lists with Col. Paige, and sues for Capt. Keyn's Farm again."* The good judge with all his caution to avoid giving offence did not escape the displeasure of Cooke for the course he felt bound to take when the question of notifying Colonel Paige of the pendency of the bill came to be passed upon in the Council. This is shown by the following passage in his Diary:—

"Feb. 28. Yesterday Mr. Cookes Petition to enable him to sue Col Paige for his Farm, was brought forward. I moved that Col Paige might be Notified and 4 more. Mr. Cooke seemed displeas'd, and in way of Displeasure said twas to delay his Business: was sorry I was so far engag'd *in it*. For this, and because of Sherbourn case, I chose to stay from Council this Forenoon; that might avoid being present when suspected, or charg'd with Prejudice. . . ."—*Vol. II., p. 54.*

Chap. 27. This chapter is from archives, vol. 48, p. 266. It is recorded in council records, vol. VI., p. 469.

The province treasurer's accounts† from November 11, 1696, to May 22, 1697, show that three hundred pounds were paid "John Walley, esquire, on behalf of the honorable William Stoughton, esquire, Lientenant-Governor."

Chap. 28. This chapter is from council records, vol. VI., p. 469. It has not been found in the archives.

By the tax act of March 7, 1695-6, the towns of Chilmark and Tisbury were assessed £21 6s. 8d. each to equalize taxes formerly laid, in which those towns had been under-taxed.

The following petition indicates a feeling of resentment, in Tisbury, at a supposed inequality in the valuation of estates in that town as compared with the other towns of Martha's Vineyard, the proposition as to a new system of appraisement seeming not to have met the approval of the General Court:—

"To the honorable the Leu^{nt} Gouvernor & Council & Repesena^{tes} assembled In General Court in Boston, 7^e 12 day of march. 1695

Your most humble petitor, In most humble manner sheweth Being desired by the freeholders of Tisbury on marthas vineyard, To move the Consideration of their most humble petition &c, And haueing much debated y^e matter, before y^e honor^d Commity, about y^e dispropotion of the prouinc Taxes on marthas vineyard, major mayhew saying that Tisbury had vndervalued their Lands, may be [†] admier^d seeing, that major mayhew knoweth himselfe and his Breatherin only, did produce Leasees of their farms Lett for about forty or fifty shillings by the year, of y^t which honest Renters would giue aboue Tenn times the value for by the year, To Consider y^t major mayhew his breatherin And kindred say their lands and Estats is only in Edger town & Chilmark or precincts, where Those farms was so Let by Lease, from one Brother to a nother, & from y^e vncle to the Cousen, & from y^e Consen to the vncle, At Length major penn Townsin made sum Eaquell proposals, for the better satisfiing of the Inhabitants for the futor, &c—

And your humble suplicant prayeth the honored house to pass an Act, That There shall be six assessors Chosen, that is, Two of Each Town on marthas vineyard, & vnder oath to Take a Tru List of all Rateable persons & Estats, on marthas vin[ey]ard & precincts, And to make one assesment on the whole obseruing the Law of apprissals of all Estats, And when the dew proportion ariseing in each town, is found, And deuided. the major part agreeing. To deliuer y^e assesment of each town or precincts, to the Constable of each Town to Colect the same, And this Act to take place for the assesment of the prouinc Tax, to be payed in June 1695— be a Rulle for Raising all prouinc tax^{is} on y^e vineyard, for the futor, And that the Town of Tisbury bee enlarged by annexing the Lands and Inhabitants as the humble petition prayeth, — But If y^e honored house would please To make Tisbury And Chilmark & precincts, to be one Town or parosh for the better carrying on all publike affairs there (it might be much for our peace And well being) for want of such an able settlment, our foundation is out of fram, being in peces, what Can we doe, but praying your Aid, And for your prosperous Gouverment, Is the desier of your most humble suplycant.

SIMON ATHEARN."—*Mass.*

Archives, vol. 113, p. 111.

The object of this chapter, evidently, was to empower a newly-appointed constable to collect the taxes which had remained uncollected by a former constable who seems to have had some sufficient excuse for not completing his collections.

Chap. 29. This chapter is from council records, vol. VI., p. 470. It is preserved in archives, vol. 101, p. 42.

The following is the petition mentioned in the preamble to this chapter:—

"To the Honorable the Leint Governor & the honoured Council wth the honoured Representatives Sitting in Gen^l Co^{te} at Boston. Nov: 20— 1695

The humble Petition of yo^r distressed Petitioner sheweth, That once more I fling my selfe at the feet of yo^r Honors, & y^e Low Condition of my poor family doth necessitate me to importune yo^r Clemency to heare me = I have formerly applyed to your Honours to be considered & abated wth Respect of the Country rate w^{ch} was put Into my hand 1691 to collect w^{ch} because I could no wayes obtaine any vessel to transport the same from Hartford

* Diary, vol. I., p. 413.

† Mass. Archives, vol. 122, p. 82.

‡ Manuscript mutilated.

to the Bay lay on my hand Two summers & a peice of a Third summer, w^{ch} It must needes be that It sustained more Losse then I may be credited or accepted for forgiveness or abatement. Could I have had a vessel provided me to have sent my collections to the Country Treasury, I should have had no need to make this petition. I would not p^rsume to reason my case any more wth yor honors: but In short, when I was Last wth the Treasurer, he made me debter to the Country In the sum of fifty Two poundes; forty pounds of w^{ch} If I must pay it, I must pay it out of my own Estate, w^{ch} is very afflictive to me to beare, If it would please yor Honors In yor mercys to heare yor Poor Petitioner this once prostrateing himselfe at yor mercys feet, I humbly beg that yor compassions might yerne towards a poor man & you Honours vouchsafe me that my debt of 52⁴ might be brought to Thirty pounds, & I shal make it my busines the more cheerfully, to do to my v^most ability to discharg or pay the same to the Treasurer as speedily as I can, & so praying the Lord to guide & direct & blesse yor Honors in al yor weighty administrations,

I am yor Humble Petitioner

DAVID MORGAN Constable of

Springfield." — *Mass. Archives*, vol. 101, p. 42.

Chap. 30. This chapter is from archives, vol. 48, p. 265. It is recorded in council records, vol. VI., p. 470.

Dering was succeeded as clerk of the House by Addington Davenport. The order in Council for the payment of this allowance was passed January 21, 1696-7,* and in the province treasurer's account† the amount stands charged against Dering.

Chap. 31. This chapter is from archives, vol. 48, p. 265. It is recorded in council records, vol. VI., p. 470.

See some account of Newton in the notes to private acts, particularly to act number sixteen.

No order in Council for the payment of this allowance has been found and no entry of the payment appears in the treasurer's accounts.

Chap. 32. This chapter is from council records, vol. VI., p. 472. It has not been found in the archives.

Chap. 33. This chapter is from council records, vol. VI, p. 474, and archives, vol. 106, p. 394. See chapter 1, and note, *ante*.

Chap. 34. This chapter is from archives, vol. 106, p. 395. It is recorded in council records, vol. VI., p. 473.

The Lieutenant-Governor and other members of the General Court signed this association with a brief preface as follows:—

"By the Hon^{ble} William Stoughton Esq^r Lieut Govern^r & Comander in chief, the Council & Representatives of his Mat^ys Province of the Massachusetts Bay in New England in America—

An Association.

[*Councillors.*]

| | | |
|---------------------------|----------------------------------|-----------------------------|
| "WM STOUGHTON | JOSEPH LYNDE | PETER SERGEANT |
| THOMAS DANFORTH | ELISHA COOKE | JN ^o SAFFIN |
| WAIT WINTHROP | SAM SEWALL. | JONATHAN CORWIN |
| JOHN PYNCHON | BARNABAS LOTHROP | JOHN HATHORNE |
| JA: RUSSELL | SAM ^{ll} . WHEELWRIGHT: | JOHN PHILLIPS |
| Is ^t ADDINGTON | NATHANIEL THOMAS | JOHN FOSTER |
| WILLIAM BRADFORD | CHARLES FFROST | SAM ^{ll} SHRIMPTON |
| DANIEL PEIRCE | ELISHA HUTCHINSON | EM ^l HUTCHINSON |
| JOHN THACHER | WM BROWNE | JOHN WALLEY |

[*Representatives.*]

| | | |
|---------------------------|------------------------------|---------------------------------|
| PENN TOWNSEND | TOBIAH PERKINS | NATHANEILL HILL |
| NATH ^l BYFIELD | JN ^o BURRILL | SAM ^{ll} MANNING |
| NATH ^{ll} OLIVER | JAMES DICKINSON | JOSEPH NOYES |
| JN ^o EYRE | JAMES DAVIS | ABRAHAM WILLIAMS |
| SAMUELL CLAP | CHRISTOPHER OSGOOD | NATHANIEL SOUTHWORTH |
| SAMUEL RUGGLES | PTER AYER | JOHN OTIS |
| JOHN FFULLER | JACOB MORRILL | THOMAS STURGIS |
| DAVID HOBART | JOHN BARNARD | THOMAS PAINE |
| EPHRAIM HUNT | JOHN LEVERETT | EBENEZER BRENTON |
| JAMES COFFIN | RICHARD SPRAGUE | JOHN HATHWAY |
| NEHEMIAH JEWET | JOHN GREEN | SAMUELL NEWMAN |
| BENJ ^t MARSTON | EPH: FFLINT. | WILLIAM SOUTHWORTH |
| JOHN WAINWRIGHT, | JAM ^s CONVERS | MATTHEW MAYHEW |
| NATH ^{ll} NORDEN | JOHN BROWNE | JOSEPH PARSONS |
| THOMAS NOYES | JOHN WARD | SAMV ^{ll} CLAP |
| JOHN DODG | BENJA ^t GEARFIELD | LUKE HITCHCOCK." — <i>Mass.</i> |

Archives, vol. 106, p. 395.

"1696, 7^r 18. p.m. The Council and Representatives subscribed the Association." — *Sewall's Diary*, vol. I, p. 433.

For the origin of the association see note to chapter 1, *ante*.

Chap. 35. This chapter is from council records, vol. VI., p. 477, and archives, vol. 106, p. 398.

* Executive Records of the Council, vol. 2, p. 439.

† *Mass. Archives*, vol. 122, p. 82.

The disaster which befell the second naval expedition to the Bay of Fundy, and the loss of the fort at Pemaquid, which had been built and maintained at a comparatively enormous expense to the province, were events of a most alarming character. To retrieve the former and to remove the French from the St. John a new naval expedition was fitted out consisting of his majesty's ship the *Arundel*, the Province Galley and several tenders and transports carrying nearly five hundred effective men under Lieutenant-Colonel John Hathorne of Salem, one of the Council, who was directed to unite his force with that of Major Church whom he was to supersede.* By this time Gedney had returned from Maine.† Tidings of the surrender of the fort at Pemaquid had reached Boston before either Gedney or Church had proceeded to the frontiers, and their excursions served no other purpose than a *reconnaissance* in force with the result of ascertaining that the French and Indian enemy after destroying the fort had retired to the interior and deserted their old haunts all along the coast.

Since the adjournment of the former session the Lieutenant-Governor had received from the Privy Council advices informing him of the great naval and military preparations which were being made in France against the English colonies in America and warning him to be prepared for resistance.‡ These advices were brought in the *Arundel* which the Lieutenant-Governor had detailed for duty to the river St. John.

Upon the convening of the Assembly in its second session§ the first day was spent in prayer for the success of the forces lately gone forth,|| and on the day following, the Lieutenant-Governor called the representatives to the council chamber and, among other things, desired them "in the first place to take into Consideration, what Applications they should think Necessary to be made for the Service of the Province by their Addresses to his Majesty, or in such other methods, as they should advise."¶

On the twenty-second the following entry appears in the record: —

"The Heads of an Humble Representation, and Address unto his Maj^{ty} referring unto the State of the Province, were proposed, debated, and Drawn up." — *Council Records*, vol. VI., p. 475.

On the twenty-fourth, the address was ordered to be "fairly Transcribed, and sent forward."***

The address was accordingly despatched by the Lieutenant-Governor, who, at the same time, sent a letter to the Lords of the Privy Council, and another to Lord Keeper Somers soliciting his intercession in furtherance of the object of the address. The letter to the Privy Council was dated after the letter to the Lord Keeper, but the rough draught of it, from which it is here printed, was prepared earlier. This interesting paper, which gives a graphic picture of the deplorable state of the province at the beginning of the autumn of 1696, is of great historic value and is given in full below: —

"Rt Honble

May it Please yor Lordps

I had the Honour of yor Lordps several Letters of the 26th of Decr 1695. of the 10th of March, and of the 15th and 20th of April last past (the first whereof was many months after the date before it arrived) In which I am very Sensible of his Matys Princely care for & Regnard unto his poor Subjects in these remote parts of his Dominions and thankfully acknowledge yor Lordps great Favours, particularly manifested by the Signal Testimonys thereof in Signifying the Reasons of the disallowance of several Laws Enacted within this Province, and the amendm^{ts} and considerations necessary in the preparing of Laws in Lieu of those that have been Repealed; all which are lying before the General Assembly now Sitting for their Information and direction in that behalfe. As also in the dispatch of an Express wth notification of the Preparations then makeing by the French for an attempt against some parts of America, and assurance of Speedy Assistance to be sent from England, as the state of Affaires at home should permit. I forthwth gave ye necessary orders for puting all things in the best posture of Defence

Upon Receipt of the Intelligence of the discovery of the wicked and Traiterous Conspiracy against the life of his Sacred Maty. and his Governm^t A day of publick thanksgiving throughout the Province was appointed and kept for so great & Eminent Salvation and deliv^{ance} unto his Maty. and all his Dominions; & I forthwth issued out *Dedimus*

* The following is Hathorne's reply to the letter informing him of his nomination to this post: —

"Salem Septembr the 3^d 1696

Rt Honourbl

Sr haueing now Recd Yours w^{ch} John Roberts wherein You are pleased to propound my takeing the Conduct of an Expedition to St Johns River: And am very willing to vndertake any Service called vnto wherein I may be Capable of Serving God & my Country, and Intend to waite vpon your Honr as desired some tyme too Morrow, at present the consideration of my want of Acquaintance & Experience in Warlike affaires and thereby vnfitness for so great a Trust is discouraging to mee, and doute not but vpon further thought thereof a much more sutable person may be found to Engage therein so conclude at present — wth presen^t my Humble service to your Honr and the Council, Subscrib^r

Your Servant to Command

JOHN HATHORNE." — *Mass.*

Archives, vol. 51, p. 68.

† " . . he [Stoughton] sent colonel *Gidney* with five hundred men, who perceiving the *salvages* to be drawn off, only strengthened the garrisons, and returned." — *Mather's Magnalia*, book VII., art. XXIV, p. 550.

‡ The letter dated Whitehall, April 21, 1696, was read in Council on the twenty-seventh of July. — Executive Records of the Council, vol. 2, p. 407.

§ September sixteenth.

|| "The whole Court met together in the Council Chamber, and the Ministers of Boston with Several others of the Neighbouring Towns being desired to be present, and to offer up Prayers unto Almighty God for his Blessing, and Direction in the Public Affairs to Come under Consideration, and for Success to the Forces lately gone forth

The Day was Spent in Religious Exercise." — *Council Records*, vol. VI., p. 471.

¶ *Ibid.*, p. 472.

** *Ibid.*, p. 477.

Potestatem unto the Justices in the several Countys to Administer the Oaths appointd by Act of Parliamt to be taken instead of the Oaths of Supremacy and Allegiance, abrogated by the sd Act, unto all male persons of the age of Eighteen years that had not before taken the same; which was accordingly performed, the members of the Council and Assembly have likewise Subscribed the association Established by the act of Parliamt. For the better security of his Matys Royal Person and Governmt —

In obedience unto his Matys Command Signified in yor Lordps Lre of the 15th of April, I have caused the Act of Parliamt there inclosed, For the Preventing Frauds and Regulating Abuses in the Plantation Trade to be duely published the others haveing been heretofore publishd and shall take care that the sd Act and all other Laws made For the Encouragemt. of navigation and Securing the Plantacon Trade be strictly put in Execution within this Governmt.

May it please yor Lordps

The General Assembly do by this Convayance forwd their Congratulatory Address for the merciful Providence of God in the Signal delivancee and preservation of his Matys Royal person from the hands of those bloody and barbarous Conspirators and Assassina-tors and his Kingdoms from the intended Invasion: As also their humble Representation and Address of his Maty with Reference to the distressed and languishing State and Condition of his Matys Interests and Subjects within this his Province; wherein is Set forth the deep Impressions made by the Enemy upon the same this last Suiner in the loss of his Matys Frigatt the Newport Galley; which was by me ordered in Company of the Sorlings and a yacht Tender on a cruise for his Matys Service into the Bay of Fundy for the intercepting and Surprizing of the Stores of amunition and other Supplys for his Matys Enemys yearly brought from France to Johns River and parts adjacent; but was unhapily overpowred by two Ships of War of greater Force than Ordinary that came this year thither, being of too great Strength for his Matys sd ships a particular narrative of that action given in under the hands and upon Oath of the officers belonging to the Newport I have transmitted unto the Right Honble the Comissionrs for Executing the office of Lord High Admiral of England &c^a

In the sd Representation and Address is also Set forth the loss of his Matys Fort at Pemaquid being beset by the sd two French Ships of War together wth the Newport & a Land Force of neer Four hundred French and Indians provided wth Canon & Bombs for the Storming thereof; A Copy of the Narrative given in by some of the officers and Soldiers belonging to that Garrison I herewth transmit unto yor Lordps The Comander is under Confinem^t in order to a further hearing upon that matter Capne Paxton late Comander of the Newport was then a Prisoner on board one of the Ships of War; who will be able to give yor Lordps some Information thereabout. The Fort was well furnished and Supplied wth all necessarys and Seasonably reinforced with Forty fresh men upon the Intelligence of the disaster befalling the Newport, and I sent an Express to notify the Comander thereof and of the strength of the French with directions to be very careful and vigilant and to have all things in a posture for defence in case any attack should be made upon them. It was feared That the sd French Ships of War and Land Force would have come forward to have made some further attempt which it's said they designed for Piscataqua River had they not been Informd of the arrival of his Matys Frigatts with the mast Ships and several merchant ships from England; whereupon I ordered a Levy of neer five hundred men for the Enforcem^t. of the Frontiers and guarding of that River; And also caused a merchant Ship of good burthen to be taken up on his Matys Service and Equipped for War, together with ye Province Galley and a Fireship, to joyne his Matys three Frigatts the Arundel, Sorlings & Orford and sent them forth in Search of the sd French Ships and to attack them and Endeavour the Recovery of the Newport. It so hapned that they came neer to the place at Mount desart where they were all three lying at Anchor, but providence so ordered it That by reason of the wind dying away they could not reach it before night; the French haveing Intelligence of them in a great hurry and affrightm^t prepared forthwth to come to Sayle and get away, and haveing the advantage of a small gale of wind comeing off the high land got out of the place; & were descried the next day by our Ships who then lay becalm'd; but wth the Sea breeze came up after noon gave them chase and fetched upon them considerably being come neer up wth them by night; but so soon as the French had lost Sight of our ships by reason of the darkness they altered their course, the next morning and all ye day proving very foggy, our ships could not get sight of the Enemy; who stood away to the Eastward at a considerable distance into the Sea, and met some of our fishing vessells comeing homeward from the Fishing ground about Cape Sables and parts adjacent. and tooke three of ye sd Fishing Vessells. one of wch they Sold to the master and sent home the men in her; to whome they gave accompt they were chased by seual English men of War and were in danger of being come up with and taken by them, had they not lost them in ye night and Fogg, fearing lest they were still in pursuit of them and made all ye Sayle they could to get away:

His Majty Ship Arundel, the Province Galley and several other small vessells of War, transports wth neer five hundred Effective men under ye Comand of Lt Colo Hathorne &c^a are now abroad in the Eastern parts of this Province with orders to attempt the taking of the Fort Settled upon Johns River and the removeing of that Enemy, and for ye makeing other attempts upon the Enemy in those parts wch will much conduce to his Matys Service if it please God to give Success. Some Private Ships of War Set forth by merch^{ts} and others within this Province wth Comission agt. his matys Enemys, have taken several French Fishing vessells on the Banks of Newfoundland and brought them into this Governmt and there being no Judge of the Admiralty appointed & Comissionated within the same I have been prevailed with upon due prooffe made to declare them Prizes, It being thought of absolute necessity for his Matys Service, and would otherwise have greatly discouraged the same and occasioned a great many Seamen to have left the Province could they not have had their Shares of ye Prizes by ym taken which might have been of ill consequence, I have proceeded according to the directions in ye late Act of Par-

liam^t and taken effectual care for Securing the parts or Shares of y^e proceeds of such Prize Goods belonging to his Ma^{ty} which is ready to be made good unto whome his Ma^{ty} shall appoint. I should be sorry to incur his majty's displeasure for my Sincere intentions therein for his Service not with designe of particular Advantage or assuming of a power not vested in me by his Ma^{ty's} Royal Comission I have had y^e opinion of y^e Council here y^t it was advisable for his Matys Service In which I pray yor Lordps Favour. It seems highly necessary That there be a Judge of y^e admiralty Comissioned for this his ma^{ty's} Province

I crave leave further to observe unto yor Lordps That whereas in y^e narrative given in by some of y^e late Garrison at Pemaquid Fort, It's said that the wall in one of the Flankers was defective having been prop^t up all winter and began to tumble down upon firing the Gun That stood thereon. I never was advised by the Cap^{nc} or any others of any such defect which should have been timely cared for, and have Examind Several others of the Souldiers thereabout who deny the same; and say the wall was good and did not give way upon using of their Guns.

Rt Hon^{ble}

I humbly begg yor Lordps pardon for the trouble of these tedious lines wherein I have Endeavoured to lay before his Ma^{ty} & yor Lordps as briefly as I well could a plain narrative of the late passages of moment relating to his Majty's Service; beseeching yor Lordps Favour in countenanceing the humble Address and applications made unto his Ma^{ty} by his poor distressed Subjects within this Governm^t That they may receive a Gracious Answer to the same.

And that I may have the Honour of being accounted in y^e number of his Majty's Loyal and dutiful Subjects, w^{ch} is y^e utmost ambition of him who is with most profound Respects. Rt Hon^{ble} Yor Lordps

Obedient faithful and very humble Serv^t

W. S.

Boston in New: England Sep^r 24.^o 1696.* — *Mass. Archives, vol. 106, p. 399.*

The letter to the Lord Keeper is as follows: —

“Boston in New England 23th Sep^r 1696.

Rt Hon^{ble}

May it Please yor Lordps

Haveing sometime since had the Honour of yor Lordps Letter In w^{ch} you are pleased to Entertain an Esteem of me beyond what I have any ways deserved from yor Lordp thō. I trust never to be guilty of any thing unworthy the Opinion yor Lordp seems to have conceived of me with respect to my Loyalty and duty to my Sovereign and sincere devotion to his Service; the Advancem^t. whereof is especially Incumbent on me in my present Station in a due care of and Regard to the defence and preservation of his Ma^{ty's} Interests and Subjects within the Province under my Governm^t now languishing under the miseries and Calamity^s of a long and wasting War and other adversity^s which is humbly Represented in the Address of the General Assembly formerly forwarded by this Conveyance to be humbly presented unto his Ma^{ty} and in my Letter to the Rt Hon^{ble} the Lords of his Ma^{ty's}. most Hon^{ble} Privy Council; I know not how better to further his Ma^{ty's} Gracious Answer to the humble Supplications of his good Subjects contained in the sd Address, than by Praying yor Lordps Patronage thereof, whose high and Hon^{ble} Station advantages you for and y^e Generous dispositions richly endowing yor Noble Breast inclines you to favour the just cause of the poor and distressed.

I therefore assume the boldness of becomeing yor Lordps humble orator on behalfe of this poor Province, labouring under manifold difficultys and distresses and in danger of being Exposed to the force of a growing & powerful Enemy; unless his Ma^{ty} be graciously pleased to interpose and afford Seasonable Supplys & Releife as is humbly prayed for in their Address.

Rt Hon^{ble}

The humble confidence I Repose in yor Lordps Goodness has moved me to give yor Lordps the trouble of these Lines, w^{ch} I hope you will please to excuse and pardon Craveing leave to Subscribe my Selfe, as in all Sincerity

I am Rt Hon^{ble} Yor Lordps

Very much obliged and obedient Serv^t

W. S.

Ld Keeper Somers./.”† — *Ibid.*, p. 396.

Letters to Mr. Blathwayt† and to Sir Henry Ashurst seem to have been dispatched. Of these the former has not been found, but the latter is as follows: —

“Hon^{ble} Sr

I have the Honour of yor^s of the .13th January past wherein I observe the Expressions of yor Honours undeserved Respect and regard to a person so inconsiderable in yor care and Endeavours to Supersede the Sollicitations of those that have Emulated his Ma^{ty's}

* The draught of this letter bears the following endorsement: —

“L^{re} to the Rt Hon^{ble} the Lords. of his Ma^{ty's}. most Hon^{ble} Privy Council. Sep^r 24^o 1696.

One under cover to Sr H. A. & Mr Benja Jackson in y^e Ship Hope

One under cover to Mr Blathwayt & Mr Newton

One under cover to Sr Hen. A. & y^e Sorlings.

† The draught of this letter bears the following endorsement: —

“23^d Sep^r 1696. L^{re} to the Lord Keeper.

Triplicate^s one under cover to Sr H. Ashhurst & Mr Benja Jackson in y^e ship Hope

one & Mr Newton in y^e Supply

one under cover to Sr Henry & y^e Sorlings und^r cover to ditto.”

† “It's Proposed by the Council.

That a Letter be written from this Court unto the Hon^{ble} William Blathwayt Esq^r to pray his Favour in the affaires of this Province, depending before his Ma^{ty}, and to promote a gracious Answer unto the applications now made by this Court and sent to our Agents to be presented.

Saturday. Sep^r 26.” — *Mass. Archives, vol. 106, p. 401.*

Favour towards me in my present Station; who would find themselves disappointed of their Expectations of any great Advantage thereby: The People of this Province what by the Calamitys of the War and the failing of the Harvest both the last year and this are rednced to great wants and difficultys and unable to bear up under the insupportable burthen of their publick Taxes for the Support of the Governmt and the prosecution of the War against a growing powerful Enemy; who have made very deep impressions upon his Matys Interests here this Sum̃er in the takeing of his Matys Frigatt the Newport Galley and the Fort at Pemaquid; which is humbly Represented in the Address of the General Assembly and the particular accot thereof in the Lt Governor's Letter To the Right Honble the Lords of his Matys most Honble Privy Council Besides the Rapines and Murders comitted by Sculking partys of the barbarons bloody Salvages, with the State of the Affayrs of the Province, all which will fall under yor Honours' observance comeing under cover to yor Selfe; Also the publick Letters from ye Governmt directd into yor Honour and mr Phipps, and mr Benja Jackson wth several other worthy Gent^l that come passengers in this Fleet will fully and particularly Informe you of our present circumstances, to which I must pray you to be referred. I have here inclosed . . .

Honble Sr Yor Honours, much obliged,
and thankful Servt

Boston, Sept 29^e 1696.

I[SAAC] A[DDINGTON].” — *Ibid.*, p. 393.

Chap. 36. This chapter is from archives, vol. 113, p. 138. It is recorded in council records, vol. VI., p. 481.

Chap. 37. This chapter is from council records, vol. VI., p. 481. It is preserved in archives, vol. 70, p. 298.

The following is the joint petition of the deputies from the islands of Martha's Vineyard and Nantucket mentioned in the preamble of this chapter:—

“To the honor^d William Stoughton Esqr Lievt Gov^r & Com^dand^r in cheif in & over his Maj^{ty}s p^rvince of the Massachusetts Bay in New England the hon^{ble} Councill & Representatives of s^d p^rvince in Generall assembly Convened.

The petition of Matthew Mayhew representative of Edgartown and Chilmark on Marthas Vineyard, and James Coffin Representative for the Island of Nantucket.
humbly sheweth.

that the Islands of Marthas Vineyard and Nantuckett being on the fronti[er*] of this p^rvince, and not only so, but lying in that part where the french are more particularly designed, for advantage of takeing not only provisions, comeing from the western partes but likewise, shipping from most partes haveing commerce and trade heer, have alwais in time of warre been thereby Exposed to a continuall charge, not only for secureing of themselves, but manie times, for succo^rs and defence of such shipping, and that not only by the English inhabitants on said Islands, but likewise by raiseing such force as they could, by armeing the indians, supplying them with ammunition and provision, while the enemy hath been on that Coast. were while they were annex'd to the p^rvince of New York supplied with ammunition, armes &c. at the charge of s^d p^rvince, and in consideration of their great charge while the enemy wer hourly expected to come into their harbours more for the shipping there then hopes of profit by plundering such poor p^laces; and the necessitie of liberallitie to the indians in drink and provision over and above powder and the like necessities; were by the justice of s^d p^rvince, so far abated of the proportion they should have otherwise have payed for sustaining the charge incumbent on the province that in a tax of about ten thousand pound the said Islands were assessed but fifty pounds and in consideration of their lying so open to the enemie, were by the Gov^r & Councill p^rmis'd a supply of powder smale armes for the indians, and a further supply of more great gun's immediately before their being annexd to this p^rvince; all which Considered, and that all such charge hath since that time wholly been on the inhabitants, to the value of many hundred pounds, and often more for secureing the shipping laden with provision, and other shipping bound to boston & adjacent towns, it being beneath both an English and a Cristian spirit to suffer the takeing of such vesls when it might be by us hindered. beside the often charge of sendin botes to inform vesles comeing in from sea, of the enimi's being on the coast, so that s^d llands are at this time deeply indebted, and particular men, on such suddain ocasions, know not when they shall be reimbursed, and probably never from a poor distressed people.

Therefore yor petitioner verrily beleiving it hath not been, that this honourable Court would not have accordingly have either abated said Islands in the particular taxses, or otherwise assisted them; but our own defect in not laying before them the reaso[ns*] therefore, now humbly pray.

that whereas the inhabitants of s^d Islands, have been doomed to pay certain summ's of mo[ney*] as their proportion in a tax of thirtie thousand pounds that in consideration that they have susteined the cost and charge aforesaid, without chargeing the province anie thing for the same, and for the better inabling them to secure both themselves, and such shipping comeing into and going out of this province; that it would pleas this great and generall Court, that the said summes may bee remitted, each Island disburseing toward fortifying the same, in provideing armes and amunition, whereby they may bee inabled to doe his majesty and this province better and further service; the summe of fifty pounds each Island and an account thereof to bee particularly made to this honourable Court, by the p^rsons who they shall in their wisdom's commit the care thereof unto: and that the said Islands, [do*] erect at their own charge sufficient prisons. all which yor petitioners humbly lay before this hono^{ble} Court, praying the same may bee enacted
and shall alwais pray &c.” — *Mass Archives*, vol. 70, p. 298.

This petition was first read in the House on the twenty-eighth of September. On the thirtieth it was read a second time, and sent up to the Council, where it was read the same

* Manuscript mutilated.

day, and again on the second of October when the vote was passed and sent down to the House for concurrence. It was immediately concurred in, and passed without the preamble, which was subsequently prepared by the Secretary.

By Province Laws, 1696, chapter 3, the proportion of the tax of thirty thousand pounds due by Martha's Vineyard was fixed at one hundred and fifty pounds and by Nantucket at two hundred pounds. See chapter 25, *ante*.

Chap. 38. This chapter is from council records, vol. VI., p. 486. It is preserved in archives, vol. 70, p. 311.

The following is the petition mentioned in the preamble to this chapter: —

“To the Right honorable William Stoughton Esqr Leu^t Gouverner and Comander in Cheif in and ouer his majestes prouince of the massathusets Bay in New England and the Honorable Councell & Representatiues of the same in Generall Court assembled

The Humble petition of Simon willard of Salem Humbly sheweth.

That the Treasurer of this prouince doth call upon & threaten to cast your petitioner into prison for an arrer of Rates when I was Constable in Salem to the value of thirty od pounds which I am in no capacity at present to pay, and I haueing alike value due to me for service done for the Country in Sr Edmond Andros his time of Gouverment I doe therefore humbly pray your Christian Compasion & Charity towards me in forbaring the said arrere untill such time as I can come at my pay for my said seruice, without which my self & family will be reduced to Extreme misery & suffering

SIMON WILLARD.” — *Mass.*

Archives, vol. 70, p. 311.

An extension of time in which to pay over his collections was granted to Willard by chapter 16 of the resolves of the year 1694-5. The indulgence ceased in May, 1695. There are in the archives two undated petitions by Willard, very similar to the first, which were probably filed in the first session of the Legislatures of 1695 and 1696, respectively. No action appears to have been taken on either of these, and no memorandum whatever was put upon either of them by the Secretary, or the clerk of the House.

By the tax act of June 27, 1698,* the town of Salem was abated “thirty-nine pounds, which is resting in Simon Willard's hands, and is to be discounted and set off with said Willard, for what he claims to be due to him for service as a captain by commission from Sir Edmund Andros, when those claims shall be paid.”

Chap. 39. This chapter is from council records, vol. VI., p. 487, and archives, vol. 62, p. 6.

The following is the petition mentioned in the preamble to this chapter: —

“To his Ex^{ty} Sr William Phips K^{nt} Captain Gen^l & Governor in chief in and over their Maj^{ties} Province of y^e Massachusetts Bay in New England: the Hon^{ble} Council, and Representatives now Convened in General Assembly

The Petition of Jonathan Balston sen^r of Boston

Humbly Sheweth .

That whereas your Petitioners Pink called the Mary Jonathan Balston his son Comander, being imprest for their Maj^{ties} service for the Expedition to Canada, and lost in the s^d Expedition, was apprized before her going forth. and your Petitioner received pay for her according to the s^d apprizem^t. But Forasmuch as after the s^d apprizem^t yor Petitioner did furnish and supply the s^d Pink with several things as a new Foresaile, a Boat, four great Guns, & some small Rigging to the value of Forty pounds in the whole. which were not included in the s^d apprizement and for which he hath not received as yet any satisfaction

Wherefore your Peticōner prays this Hon^{ble} Court y^t they would consider of the premisses, and allow unto him the aboves^d sum of Forty pounds, he being a considerable looser by the s^d apprizem^t for that it was much less than what he could have sold the said Pink for —

And yor Petitioner shall ever pray &c^a.

Boston oct^r 16th 1694.” — *Mass. Archives, vol. 62, p. 6.*

The petition appears to have been read first in the House November 29, 1695, and to have been read a second time and sent up to the Council on the eleventh of December, on which day it seems to have been read in the Council, but nothing further done. On the twenty-fifth of November, 1696, it appears again in the House where it was read, and the vote which constitutes this chapter was passed thereon and sent up to the Council, for concurrence. On the next day it was concurred in by the Council.

The preamble to this chapter was supplied by the Secretary, according to his custom.

The order in Council for the payment of the sum allowed bears date January 21, 1696-7,† and the province treasurer's account shows that the money was paid.‡

With this petition was filed the following account: —

| | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|------------|
| “for the penk mary Layd out after she was prised | | | | | | | | | |
| tto: on new forsayll is | . | . | . | . | . | . | . | . | 16:00:00 |
| tto a Long boot | . | . | . | . | . | . | . | . | 7:00:00 |
| tto small Rigen | . | . | . | . | . | . | . | . | 6:00:00 |
| tto fower gonds § | . | . | . | . | . | . | . | . | 12:00:00 |
| | | | | | | | | | 41:00:00.” |

— *Ibid.*, p. 7.

* Province Laws, 1698, chapter 15, § 6.

† Executive Records of the Council, vol. 2, p. 442.

‡ Mass. Archives, vol. 122, p. 101.

§ *Sic*: guns.

Chap. 40. This chapter is from archives, vol. 62, p. 131. It is recorded in council records, vol. VI., p. 488.

Four days before the General Court was convened in this session the following proposals, signed by leading merchants and shipmasters of Boston, were submitted to the Lieutenant-Governor and Council at a meeting of the Board: —

“Boston Novembr 9th 1696.

Som Proposals humbly offered to the Rt Hon^{ble} William Stoughton Esq. Lieu^t Govern^r and Commander in chiefe in and over his Maj^{ties} Province of the Massachusetts-bay in Newengland, by sundry Gentlemen, Merch^{ts} and others whose names are underwritten./ The present State of this Province in this time of danger from the French and Indian Enemies being Considered, It is humbly proposed, Whether it be not necessary —

1. That a good, Sutable Ship or Vessel be forthwith Equipped & dispatched from hence, as a Pacquet-boat, with an humble Address to our Sovereign Lord King William, Signifying our great necessity of a Speedy Supply of Stores of Warre, especially Gunpowder.

2. That the Vessel so fitted should be ordered to Saile direct for the Port of Plymouth in the Kingdom of England, where the best & most Speedy dispatch of this affaire may most probably be had.

3. That this Vessel Saile only in her Ballast, & that she be not incumbred with Merch^{ts} Goods, that so her dispatch thence may not be delayed Longer than to wait his Maj^{ties} pleasure.

4 That what freight can be spared in the said Vessel at the time of her dispatch thence, may be granted to any Merch^{ts} there who shall be minded Seasonably to Load Gunpowder on board her, but nothing else

5. That his Maj^{tie} may be Addressed for a Convoy of the said Vessel cleare of that Coast.

6. That a duplicate of the Said Address to his Maj^{tie} may be dispatched by Cap^t Bant, who may Saile hence in four or five dayes.

7. Whether Cap^t Cyprian Southack may not be a meet person to Command the Said Vessel./

All which is humbly Submitted to his Hono^{rs} Wisdom. The Names of the persons present, & offering these proposalls, are

| | | | |
|----------------------------------|---------------------|-----------------------------|--------------------------|
| JOHN EYRE — | } Esq ^{rs} | CAPT SAM: CHECKLEY | MR JN ^o MICO. |
| EDWD BROMFIELD | | MR THO: PALMER | CAPT WM CLARK |
| CAPT JOHN FAIRWEATHER | | CAPT TIMO: CLARK | MR CHARLES CHAUNCY. |
| CAPT ANDR. BELCHER. | | CAPT THO: GRAFFORT | MR JN ^o SOAMS |
| MR NATH. OLIVER. | | MR JN ^o BORELAND | MR ROGER KILCUP |
| MR RICH ^d WHITTINGHAM | | CAPT THO: CARTER | MR EDWD BRATTLE |
| CAPT SAM: LEGG. | | MR SAM. LILLIE | CAPT BENJA DAVIS |
| CAPT SAMSON STODDARD. | | MR JOS. PARSON | MR WM HURST. |

of whom { Capt Jn^o Fairweather } are chosen & request-
 { Capt Andr: Belcher. } ed to wait upon his
 { Capt Sam: Legg & } Honor with these
 { Mr Nath. Oliver } proposals.” — *Mass.*

Archives, vol. 106, p. 402.

The Council decided to refer this communication to the General Assembly. Accordingly, on the nineteenth, the Lieutenant-Governor, in his opening speech to the Assembly, represented to “them the great danger the province was in with reference to the lowness of the warlike stores, and that the Council have had consideration of dispatching an express to his majesty to lay before him the distressing circumstances of this his province, and to pray early supplies of ammunition; but the sitting of the Court being so near, referred the determination thereof till now to have the concurrence of the Assembly therein, and directed that the House take speedy consideration thereof, and of the state of the treasury,” etc.

On the same day the House sent up to the Council the vote which constitutes this chapter. On the twenty-eighth the Council concurred in this vote, and added the following: “also that a suitable person be appointed to go upon her with instructions to solicit his majesty for the said supplies and what else may be thought necessary for the service of this his province.” This vote was read in the House on the thirtieth, when a substitute was prepared by the representatives, providing that an agent be sent to England “and address made unto his majesty for supplies, as also the restoration of the ancient privileges of the colonies of the Massachusetts and New Plymouth” “with further addition of power and government,” and sent up to the Council for concurrence where it was debated on the first and third of December and then “voted in the negative.”* On the fourth, “Upon a further debate about dispatching an Express for England Bartholomew Gedney, John Foster, and Peter Sergeant Esq^{rs} were sent into the House of Representatives, with the former Vote of this Board relating thereunto, to move that House, to resume the Consideration thereof.”†

The House now voted not to concur in the vote added by the Council, which action was communicated to the Council by the messengers sent down by them to ascertain what course the House had taken upon their vote. No further attempt was made in either branch to provide for the sending of a special agent, and so the business was left to the management of the acting agents of the province in England.

The draught of the address despatched on the packet-boat mentioned in this chapter is given in chapter 46, *post*; and in the note to that chapter will be found the letter which the Lieutenant-Governor sent to be used in the communications of Messrs. Cooper and Jackson with the agents of the province.

Chap. 41. This chapter is from council records, vol. VI., p. 490. It is preserved in archives, vol. 113, p. 140.

* This vote of the House, asking to be allowed to resume the old charter, has not been found.

† Council Records, vol. VI., p. 492.

The following is the petition mentioned in the preamble :—

“ Novemb^r 23^d 1696.

To the right Honourab^e the Leintenant Governour, with the great & Generall Court now Assembled at Boston, the Petition of the small Remnant of the Inhabitants at Dunstable humbly sheweth,

That being advertised that We are registred as Debtors to the Countrey the summ of fifty Pounds or thereabouts for Assessments formerly made upon the Inhabitants of this Town, which Assessments having been proportioned by a List of the Persons & Rateable Estate, while all the Inhabitants were upon the Place, & sent to us after such time, as near two Third Parts of them with a principal part of their rateable Estate were removed from us, who responded their Proportions in the several Towns wherein they were dispersed: We also the Inhabitants upon the Place, having paid our proportionable part to all of the Assessments in the fore passed years, which came to our Hands, as they were demanded of us,

In consideration hereof, We think it requisite in point of justice to our selues, hereby to apply our selues to your Honours, humbly praying an Order for the Abatement & Remission thereof, & We shall remain your Honours humble servants

ever to pray for You

Who are the select men of the Town of Dunstable

SAMUEL WHITING JUN^r
JOHN SALLENDINE.
THOMAS LUNN.” — *Mass.*

Archives, vol. 113, p. 140.

This petition was read in the House on the first of December, when the vote was passed, substantially as it appears in this chapter, and sent up to the Council, and on the second it was concurred in by the Board.

By the province treasurer's accounts* it appears that the town of Dunstable was credited with the amount of this abatement.

Chap. 42. This chapter is from council records, vol. VI., p. 491. It is preserved in archives, vol. 70, p. 305.

The following is the petition mentioned in the preamble added by the Secretary to this chapter :—

“ To the Right Hon^{ble} W^m Stoughton Esq^r L^t Govern^r and Com^{and}r in cheife in and over his Maj^{ties} Province of the Massachusetts Bay in New England with the honrd Council and Representatives thereof now assembled in Gen^{ll} Court held att Boston by adjournem^t Novemb^r 18th 1696—

The Petition of Abraham Cock —

Humbly Sheweth

That yo^r Petition^r about a yeare agoe att Pemaquid ffort und^r the Command of Cap^m John March, as he (with others) was going to fetch wood for the use of the then fort, was way Layd by Indians from whome yo^r Petition^r received a Shott in his left arme, w^{ch} by reason thereof was Cutt of from his body: That for the Space of Six months past yo^r petition^r has beene a Souldier att y^e Castle, butt by reason of the coldness of y^e Season and the tenderness of his body by the Loss of his arme, he is wholly rendred incapable of f^orming any the souldiers worke there incumbent on y^m as also of doeing any thing whereby to procure a livelyhood for his Subsistence, being destitute of a calling, besides he is in continuall feare that the Stump of his healed arme will breake out againe to his greate Sorrow.

Yo^r Poore petition^r therefore humbly prayes and Entreates That this high and hon^{ble} Court will please to take his distressed condition into Consideration Soe as that he may either have some annuall pension Settled on him for terme of Life, or else such a summe of mony as may compensate the Loss of his arme (as in yo^r wisdoms shall seeme meet) whereby he may be Enabled to rubb through & conflict with those difficultyes daily attending him.

And Yo^r Petition^r as in duty bound Shall ever pray &c

The marke of

A C

ABRAHAM COCK.” — *Mass.*

Archives, vol. 70, p. 305.

This petition was read, first, in the House, on the twenty-first of November, when the vote which constitutes this chapter was passed and sent to the Council for concurrence. It came back concurred in on the second of December. The treasurer's account for the next year contains the following entry :—

“ Paid Abraham Cock Stipend to the 18th November 1697 5^{ll} - 4 - .”
— *Ibid.*, vol. 122, p. 115.

Chap. 43. This chapter is from council records, vol. VI., p. 491, and archives, vol. 101, p. 60.

The following is the petition mentioned in the preamble which the Secretary affixed to this chapter :—

“ To the R^t Hon^{ble} W^m Stoughton Esq^r Lieut Govern^r and Comand^r in Cheife in and over his Maj^{ties} Province of the Massachusetts Bay in New England with the honrd Council & representatives thereofe now assembled in Gen^{ll} Court held att Boston for sd Province by adjournem^t Nov^r 18th 1696—

* *Mass. Archives, vol. 122, p. 87.*

The Petition of Edward Bosworth of Bristoll

Humbly Sheweth

That yor^r Petition^r in the Yeare 1694 Served the Towne of Bristoll in y^e Quality of a Constable, in w^{ch} yeare the said Towne was assessed with a rate of Seaventy three pounds Fourteene shillings mony w^{ch} yor^r petition^r Gathered and out of w^{ch} rate the Treasurer of y^e Aforesd Province passed a bill on yor^r Petition^r payable to Capⁿ Byfield for foure pounds fifteene shillings for y^e payment of monys for Three woolves & seven whelps, w^{ch} Bill Capⁿ Byfield assigned to M^r Nath^l Payne of Bristoll who rec^d the sd mony from yor^r Petition^r as then constable, Butt afterwards when yor^r Petition^r came to pass his acco^{ts} with y^e treasurer, he refused to discount y^e said moneys soe paid upon sd Bill as aforesd. by reason that y^e bill was accidentally Lost, and not to be had.

Yor^r Petition^r doth therefore humbly Entreate This high and Hon^{ble} Court, to consider y^e premisses by being pleased to favour him with an ord^r to y^e Treasurer for discounting y^e aforesd Summe of money paid by him as aforesaid.

And Yor^r Petition^r as in duty bound shall ever pray &c^a." — *Mass. Archives, vol. 101, p. 60.*

The vote on this petition, which is substantially as it appears in this chapter, was passed by the House, apparently after one reading of the petition, on the first of December, and on the next day it was concurred in by the Council.

By the province treasurer's accounts* it appears that Bosworth, in his payment of rates collected, was allowed the discount voted.

Chap. 44. This chapter is from council records, vol. VI., p. 491. It is preserved in archives, vol. 40, p. 370.

The petition mentioned in the preamble, which was prepared by the Secretary for this chapter, is as follows: —

"Province of y^e Massachusetts } To the great & Generall Court now
Bay In New England ss } Sitting in Boston Maÿ 27th 1696.//
The Petition of Anthony Checkleÿ,

Humbly Sheweth

That yor^r petitioner was Constituted the Kings Attornÿ Generall by the Gouvernor Council & Assembly In the yeare 1689, And So haue Continued to this day, hauing bin (since S^r W^m Phips Came Gour) Comitionated by the Gour & A generall Council vnder the Seale of this prouince, By which Comition the Said place & office is to me ginen & granted, To haue, hold, Exercise & Injoÿ the Same (during his Maj^{ty} pleasure) Together with all fees, Rights, perquisites, Priuiledges, profits & Aduantages to the place & Office belonging or in Anÿ wise Apertaineing in as full and Ample maner as any Attorny Generall, In other the Kings plantaco^{ns} & dominions in America haue had or doe now Receiue & Injoÿ, By this Comition I thought mÿ Selfe Sufficiently Impowered as to my being, doeing & haueing, my being hath not bin disputed, but as to my doeing & haueing, or The Exercising & Injoying the Said place I haue bin greatly obstructed & hindred, I haue Only bin put vpon doeing that which hath bin troublesome & Chargable And not profitable, As bringing mallefactors to tryall, And therin I may Say I haue had more troble (for y^e time) Then all his Maj^{ty} Attornies in his plantaco^{ns} In America But for that Worke which would haue bin less troublesome & more profittable, as bringing prize Ships & goods to Condemnac^{on}, & Sale & distribution, And bringing to tryall of vnqualified Ships & goods Count^{banda}, And other matters which I thinke by mÿ Comition belong to me as the Kings Attorny in this prouince, As well as they belong to the Kings Attornies In Barbadoes Jamaica or any other his maj^{ty} plantaco^{ns} In America That Soe his Maj^{ty} may haue his Just dues And no Imbezlem^{ts} made, which hetherunto hath not bin attended, In the yeare 1694 I went to Bristoll Court to Impleade Indians for murther, & In the meane time I was thrust out of my buiseness of the S^t Joseph, & there the King's Intrest geatly wronged, for that there was great Imbezlem^{ts} made, many hundred pounds worth of goods that neuer was Brought to the publick Sale —

In this matter & Seuerall other things I haue bin hindred from doeing that which would haue bin for his maj^{ty} Intrest as well as for my owne Aduantage —

And as for my haueing, for what I haue done, neither fees, nor Sallery hath bin Setled, so That what I haue had for my troble & Expences About the King & Countrys buiseness for this Seauen years I haue obtained by begging, I haue begged Twicet of this Honor^{ble} Court & you haue heard by Request so farr as to giue me Southing for which (as is my duty) I Returne my barty Thanks, But I pray that I may not ofend in saying it hath bin So little, That I must yett begg or Starue, Its A hard thing for y^e Kings Causes to be Starued when as A priuate Clyent that will starue his Cause is Counted not worth haueing —

My humble Request to this great & Honor^{ble} Court is

That for y^e Time past you will pleas to Allow me Some farther Competent Satisfaction, If you please out of Hen^d Head & M^r Gouge his fine And for the future I may be Incouraged in doeing my duty & haueing my due In the matters beforementioned & other Cases wherein the Kings Intrest is Conserved, And as for y^e tryall of mallefactors, A Reasonable Sallerÿ Or fees & Tranilling Charges being Allowed me I shall be satisfied —

The granting of my Request, will Oblige me to A thankfull Acknowledgm^t of yor^r fauor, And A Cherfull doeing of mÿ dutÿ & A Constant praying for yor^r prosperity & being

Yor^r Obliged faithfull Seruant "

ANTHONÿ CHECKLEÿ." — *Mass.*

Archives, vol. 40, p. 370.

This petition, although apparently presented at the first session, does not appear to have been read until the twenty-first of November, and then in the House, where it was read a second time, on the thirtieth, and the vote passed thereon substantially as it appears in this

* *Mass. Archives, vol. 122, p. 81.*

† See note to resolves, 1695-6, chapter 36.

chapter. On the second of December this vote was concurred in by the Council. The order for the payment of this allowance was passed January 21, 1696–7,* and the province treasurer's accounts for the next year† show that the money was paid to Cheekley.

Chap. 46. This chapter is from council records, vol. VI., p. 494, and archives, vol. 106, p. 404.

The letter referred to in the note to chapter 40, *ante*, as having been forwarded to England with the address which constitutes this chapter was as follows: —

“ Boston December 5th 1696.

Gent^l

You were not altogether unsensible of the dangerous and difficult circumstances attending this his Maty^s Province at the time of yor late departure from hence; which are since no whit abated but rather augmented, more especially by the unhappy disappointm^{ts} of the Expeditions then on foot under the conduct of Lt Col^o Hathorne and Major Benja^a Church, the issue whereof was chiefly the recovery and bringing away the Ordnance Shot and other appur^{ces} thereto belonging, brought from France this last Summer and landed at y^e River of St Johns in Nova Scotia for the Enforcem^t of that River. The General Assembly have formerly and by this Convayance do renew their humble address unto his Maj^{ty}. for a Supply of am^unition and other Warlike Stores wth an addition of further Naval Force for the Security and defence of his Interests within this Province, and that the same may be dispatch^t so as to arrive here very early in the Spring. Our Agents are referred to a more full and particular Information of our State from yor Selves. And it is desired by my Selfe and the Council that you with other of our Countrymen in London with such Gent^l as are concern^d in Trade hither would wait upon them, and acquaint them with our particular wants, and difficultys and how insupportable the War will be unto us without we may be assisted by the Neighbouring Governm^{ts} of Rhode Island and Connecticut, who you know have been greatly increased and enriched by the War whilst the burden and charge thereof has layen upon this Province; And likewise to press their earnest and unwearied Solicitations that we may be Speedily Supplied as we have humbly Supplicated. I doubt not but yor Interests as well as affection to the Country will readily prompt you to be Serviceable unto them so far as may be within yor Compass; and herein you will not onely oblige them, but in particular him who is —

Gent^l

Yor assured and affectionate Friend

W STOUGHTON

To Mr Thomas Cooper & Mr Benja^a Jackson.” — *Mass. Archives*, vol. 106, p. 403.

Chap. 47. This chapter is from council records, vol. VI., p. 495. It is preserved in archives, vol. 3, p. 384.

The following is the petition mentioned in the preamble which was prepared by the Secretary for this chapter: —

“To the Right Honour^{le} W^m Stoughton Esqr Lt Gourⁿ and Com^{and}r In cheife, in and over his Maj^{ty}s province of the Massatusets Bay In New-England &c: — together with the Honour^{ed} Councill, & Representatives assembled in Gen^l Court at Boston, Nov^r ye 18th 1696 —

The petetion of Sam^l Wheelwright of Wells in the County of York,

Humbly sheweth,

That your petetion^r with the rest of the Inhabitants of s^d Wells, haueing been (by the Righteous hand of god) for more then Eight Years, Vexed with the attacts outrages and barbaretyes of the french and Indian Eñemy, your petetion^r & c^{ts} were at Considerable Charge to Erect fortifications and to repaire them all this time, but now they are most of them quite Rotten, and of very little Value as to any deffence, and it is credably reported y^t ye f^rench & Indians, Intend a more strenuous attact vpon Vs y^e next spring, If god prevent not, and our Estates are so wasted, and our strength so small, that we are not able to bare vp our part of publick taxes (as hethertoo we haue done) and to build these forts a new, y^t we may be in a more likely way of deffending our selues and repulsing y^e s^d Eñemy, and to quitt y^e place, we are vnwilling, for beside what may be s^d of our own Intrests, it will be a farr greater damage to the publick and without som assistance we must of Nessesety draw off and shift for our lines, — the premises Considered, your petetio^r In the behalfe of the Inhab^{ts} of s^d Wells, humbly prays that this Hon^d Court would pleas to remitt what rates are alre^y due (from s^d Towne) to the publick tresurey of the province and omitt y^e Rating of vs in the next assessment, and that his Hon^r the Leiut Gov^r would pleas to giue Com^{and} to Captⁿ Everitt or whom the hon^{ble} Lient. Gov^r shall appoint. y^t he with y^e soldiers there assist vs in the rebuilding and repairing those Garrasons, as his Hon^r may think fitt, so will your petetio^r &c: Rebuild and further aduenter their liues and Estates in standing their ground, and deffending his Maj^{ty}s Intrest in those Eastern parts, as god shall assist, — and remaine as in duty Ever to pray &c.” — *Mass. Archives*, vol. 3, p. 384.

The following is copied from an entry in the account of the province treasurer from November 11, 1696, to May 22, 1697: —

“By abatement to y^e Town of Wells they being a frontier to y^e enemy & often attackt & their fortifications much decayed & out of repair they to rebuild and further adventure their liues & estates in standing their ground to defend his maj^{ties} interest in those eastern parts. passed by y^e General Assembly 12th — “ —”

— *Ibid.*, vol. 122, p. 87.

Chap. 48. This chapter is from council records, vol. VI., p. 497. It is preserved in archives, vol. 101, p. 61.

* Executive Records of the Council, vol. 2, p. 440.

† *Mass. Archives*, vol. 122, p. 101.

The following is the petition mentioned in this chapter :—

“To y^e Hon^{ble} y^e Lein^t Gouvern^r Councill & Representatues In Gen^l. Court assembled In Boston by Adjournem^t. y^e 18th Novr 1696

The petition of peeter Ayer in behalf of Benjamin Allin Constable of Salsbury & himself :
Humbly sheweth,

That whereas M^r Treasurer hath sent forth execution agst y^e estate of s^d Benjamin Allin to y^e value of eighteene pounds eighteene shillings & four pence: this s^d Allins estate being greatly damnified thereby: In y^t Nine pounds fine s thereof was Leauied upon those Inhabitants w^{ch} Newhampshire claimed to be wthin their line, & vtterly refuse to pay to this prouince & the other nine pounds .18^s 4^d the Select men haue not yet assessed y^e same & therefore y^e Constable ought not to respond y^e same to M^r Treasurer.

Your humble suppliant prays Reliefe in this Case without w^{ch} he is a great sufferer in y^t more Land is taken from him then he accot^s worth forty pounds: & hath noe way to help himself: wth it and y^e charges: vnless by your Hon^{rs} returne of it.

Yor most humble Seru^t

PETER AYER.” — *Mass.*

Archives, vol. 101, p. 61.

This petition was read in the House on the eighth of December and on the ninth the vote which constitutes this chapter was passed and sent up to the Council where it was immediately concurred in.

For further proceedings on the return of the committee in this case, see resolves, 1698, chapter 20.

Chap. 49. This chapter is from council records, vol. VI., p. 497. It is preserved in archives, vol. 70, p. 306.

The following is the petition mentioned in the preamble to this chapter which was added by the Secretary :—

“To the Right Hon^{le} W^m Stoughton Esq^r Lein^t Gov^r & Comandr in Cheife in and Over his Maj^{ty}s province of the Massatusets Bay in N: England &c together with y^e Honour^{le}, Councill, and Representetiuies asembled in Gen^l Court, at Boston by adjournm^t Nov^r y^e 18th 1693,

The petetion of Jam^s Convers of Woobourne in y^e County of Midd^x in y^e province afors^d,

Humbley Sheweth,

That whereas in the Year 1693 y^e Eastw^d Eñemy Indians, by their Letters, pretended to Humble them, selues, and subject to y^e Crowne of England, — his Exelency S^r W^m Phips (our late Gour) vndertook A Voiage to Pemoquid vpon that acct, being accompan^d with divers of his Maj^{ty}s Councill, — his Exeley desired Your petetion^r (who had formerly been Improued in severall Expedetions, as also severall treatyes, Eastw^d &c:) that he would waite vpon him to Pemoquid, at whose Comand your petet^r went, again in June (95) y^e s^d Indians by letters (and pretendedly faire, but realy, false promises) were the Cause of this Gin^l Courtz, sending two of the Honrd Councill, and your petetion^r to Negotiate y^t affaire, with Comission and Instruetions, from his Hon^r & councill to y^t End, since Which, this last suñer, His Hon^r was pleased to send me on A Jonrney to Grcaton to meet with som Volanteers y^t Came from quoneticut Collany, with Instructions how to act in y^t Matter, I was ordered to take a man or two with me for advice, and one soldier, &c—I Requested Cap^{tn} Baneroff, who was with me, three dayes, and y^e soldier three dayes, your petetion^r was five dayes, I also pay^d all the Exspences for vs three and our horses, which Cost me fiteene shill^s, the wholl of the time upon these three ocasions was about six weeks and money Nescessarily Exspended near three pound, and there being no act of the Gen^l Court, to direct how persons shall be recompenced for such service — your petetion^r prays that this Honrd Court would please to determin what he shall receiue for the same, and how he may Come bye it, so shall your petetion^r be redy to serue y^e publick as formerly he hath beene, and remaine as in duty to pray &c

JAS CONVERS.” — *Mass.*

Archives, vol. 70, p. 306.

The date of the order in Council* directing the province treasurer to pay this allowance is January 21, 1696-7, and the payment is charged in the treasurer's account.†

Chap. 51. This chapter is from council records, vol. VI., p. 497. It is preserved in archives, vol. 101, p. 53.

The following is the petition mentioned in the preamble which was added by the Secretary to this chapter :—

“To the R^t Hon^{bl} y^e Lein^t Gouvern^r y^e Hon^d Council & Representatues of y^e prouince of y^e Massachusets Bay, now conueen[ed†] & sitting as a great & Gen^l Court, att Boston this 16th of Septembr 1696

The petition of Nathaniel Louejoy, & Joseph Hoyt

humbly sheweth

That whereas yo^r Hon^{rs} poor petitioners father, John Hoyt whoe was lately of Almsbury, & murdered by y^e Indians att Andou^r about six weeks since, being Constable for Almsbury in y^e year 1689: or 90: & not haueing cleared his accounts wth the Treasurer: y^e Treasurer James Tayl^r Esq: arrested o^r s^d father and put him into Salem prison, where he was some time, [&†] o^r Compassion, (as in duty bound) was su^{ch} to o^r father, y^t we yo^r Hon^{rs} petitioners became snertys for y^e payment of twenty pounds to y^e Treasurer, which sum^m is not yet payd, & o^r father being dead & leauing noe estate not to y^e nalue of

* Executive Records of the Council, vol. 2, p. 441.

† *Mass. Archives, vol. 122, p. 102.*

‡ Manuscript mutilated.

five pounds, we are exposed to y^e payment of soe much money, for which we neuer can haue any satisfaction, their being no estate Responsable

Wee yo^r Hon^{rs} humble petitioners doe therefore pray that yo^r Hon^{rs} would be pleased, to giue ord^{rs} to Mr Treasurer, for y^e Cancelling of obligations, or pouerty Compelling us to make this plea: it will not be felt by y^e prouince, but will (if we are forced to pay it) undoe yo^r poor petitioners, y^e one of us (viz) Joseph Hoyt being not only left an orphan, but destitute of any releif, y^t can be had from any estate y^t was formly his flathers, yo^r Hon^{rs} taking the premises into yo^r serious Consideration, will for euer oblige, yo^r Hon^{rs} Humble petitioners, as in duty bound for euer to pray &c.

Dat: Sept^r 12th 1696

wee alsoe pray that Cap^t Christopher osgood, y^e Representatiue of Andou^r (whoe understands this whole matter) may haue libertie [to*] speak to, & explaine, this of Humble petition,

NATHANAEL LOUEIOY
JOSEPH HOYT." — *Mass.*

Archives, vol. 101, p. 58.

This petition, presented at the second session, was read in the Council on the twenty-eighth of September and sent down to the representatives. It was not taken up in the House until the ninth of December on which day the vote contained in this chapter was passed, and concurred in by the Council. The treasurer credits himself by this abatement, in his account.† See 1695-6, chapter 8.

Chap. 52. This chapter is from council records, vol. VI., p. 498. It has not been found in the archives.

Chap. 53. This chapter is from council records, vol. VI., p. 500, and archives, vol. 30, p. 399.

The particulars of the murder, committed October 5, 1696, which led to the issuing a commission of oyer and terminer, appear in the paper hereunder printed. Richard Church of Hadley, the victim, was nearly twenty-seven years of age, a tailor, son of Samuel and grandson of Richard, one of the first settlers of Hadley, who removed thither from Hartford, Connecticut, in 1659.

By the act of September 12, 1694,† — a temporary statute which had been revived and continued by subsequent acts — all the Indians of the province had been required to keep within certain limits, upon the penalty of being treated as enemies if found outside of the lines. This law, however, did not extend to those portions of the county of Hampshire west of a line parallel to and five miles east of the Connecticut River.

The exposure of the settlers of this province along the Connecticut and Deerfield rivers to violence from Indians supposed to be friendly, as well as from known enemies, is shown in the notes to resolves, 1693, chapter 7, and 1694-5, chapter 62. In the instance which induced the vote that constitutes this chapter, although information of the murder and of the measures for redress taken by Massachusetts was promptly communicated to Governor Fletcher in order to anticipate any objection from the friendly tribes of New York, the identity of the Indians held for this murder was questioned by the sachems of the Schaghticoke, or River, tribes. Their remonstrances were pressed with such urgency that Fletcher felt obliged to interpose to prevent, or secure reparation for, any injustice to his savage wards. This rendered the case one of exceptional gravity, calling for the utmost care and delicacy in its treatment.

On the day after the murder, Captain Partridge despatched the following letter to the Lieutenant-Governor: —

“ffrom Hatfeild Octobr 6 1696

Right Honorable Sr

These are to aquainte you y^t on y^e 5th Inst at Hadley about y^e Sun goeing down was killed One man by Indians about two miles from Town in the woods Upon which some Souldiars with y^e New Roxbarry Indians (being here) persued & Overtooke & wounded One, tooke another, & two fledd yet came in saying they meete with french Indians yet y^e Souldiars & Indians Judging they were the men did the mischeife were apprehended Examined & found Guiltie as y^e their Examination Enclosed appeares & are Secured in safe Custady Upon which we have thought meete by these two men the bearers hereof to lay before yo^r Honor this account of or proceedure thus farr holding it or duty before further proceedure with these Indians to aquainte yo^rself with the matter intreateing speedy Order may from yo^rself be given about them as alsoe these being p^t of y^e Indians now here amongst us & therefore the whole Company may be in some measure Culpable we have dissarmed the Rest & both men Woemen & Children have Secured as we can till yo^r Hon^r please to give ord^r concerning them alsoe, all the Gentlemen meete do Humbly propose in as much as they are so treacherous & deceitefull as they have by those that have done this Outrage approved y^mselves such as may no Longer abide amongst us without great danger & hazzard of Some more Outrages to be done amongst us That they may be drawn of from us to Some place wr they may be put out of hazzard of doeing Mischeife & harme if they be sent to Albany (being a Revengfull people) they may yet from tyme to tyme be contriveing & doeing mischeifs upon us & therefore propose y^t some other methods may be taken with y^m Either to send y^m over Sea or nere the Sea Coasts on some jland &c Derefeild people Liveing in a hazzardous place are fearfull concerneing y^m pretended Freinds proving Enemyys being worse then Open Enemyys; Alsoe y^t Some notice be given to Albany of what is done by Indians that come from them y^t they may have a more strict Eye & Observation of their Indians y^t they come not this way & be an Occation of increaseing troubles & mischeifes betwixt y^m & Us Our present Ord^{rs} inhibiting their Comeing here & the more Especially now mischeife hath already

30 persons of all
sorts or there-
abouts.

* Manuscript mutilated.

† Mass. Archives, vol. 122, p. 87.

‡ Province Laws, 1694-5, chapter 10.

beene done by them as afores^d Our men in these p^{ts} being exceedingly possessed with a vehement spirit against all Indians not indureing the sight of them as to y^e p^{re}snt Indians now in Custady as Enemys & murthers I beleive o^r men Expect some allowances for y^m which we intreate may be So Ordered that Each one may have such a divission as may be to the Satisfaction of the whole Company & Others y^t have beene active in this matter y^t no quar^{ls} arise on such triviall accounts as men are Verry apt to do with my most Humble Service p^{re}sented to yo^r Honor & to all o^r Honorable & Worthy ffreinds of yo^r Counsell desireing the God of all Grace to give Guidance & direction to yo^r Honor^s in all those Weightie concerns under yo^r hands in this troublesome & perrilous Our begging yo^r pray^{rs} for y^e Out Skirts & Remayne yo^rs Honor^s much oblidged in Service

SAM^{ll} PARTRIGG

at y^e writeing of this we have alarms renewed upon us a man shot at betwixt Hadly & Springfd alsoe betwixt Derefd & us One travelling was surprized by some of y^e Enemy on y^e Rhode as he sayth so y^t we are full of hurrys on Every side." — *Mass. Archives*, vol. 30, p. 381.

The arrested Indians were immediately examined before Captain Partridge who was a justice of the peace. A copy of this examination was forwarded by Partridge to the Lieutenant-Governor. It ran as follows:—

"Hatfeild Octobr 6 1696

The Examination of 4 Indians w^{ch} were persued by y^e English & New Roxbury Indians one of which was taken another they wounded & two more Run away but came in; by Aaron Cooke & Joseph Hawley Esq^{rs} & Sam^{ll} Partrigg y^e Comisson Officers of these 3 Towns y^e Rev^d mr Stoddart & mr W^m Williams being p^{re}snt w^{ch} is as followeth

The Indians were named Umpanchala, Weinpuck, Mahweeness, & Strawberrys Son— After we had Examined y^m Severally they all of y^m were peremtory in denying they killed this man, yet haveing beene out 3 days besides the day they did the mischeife they were Examined as to all Circumstances refferring to this matter in which they contradicted y^m selves & one another yet all denied the fact at first although the Souldiars y^t persued y^m from y^e place w^r y^e man was killed took y^e tracts of 4 Indians as they judged & followed it till they overtook y^e Indians without any varrieing tracts w^{ch} was much pressed upon y^m y^t it was apparrent that they must be the men & no other yet denied the fact as afores^d—

Upon w^{ch} keepeing y^m Singlely all the while we appointed one of y^m viz Umpainchala to be carried to the place w^r y^e mischeife was done & there to shew him y^e masacryd blood at y^e place w^r y^e man was killed at w^{ch} place with oute threats from o^r men he owned that Mah Weeness & Strawberrys Son did kill the man & he & Weinpuck was with y^m but as he sd did not act

Alsoe he owned the same wⁿ he was brought before us againe & being further Questioned wheather they had not contrived y^e mischeife beforehand & before they went Out amongst y^e Indians w^{ch} he would not own And being Questioned of the Reason of their so doing he would give no Reason of it but that they did it on a Sudden meeteing with a Single man in y^e woods—

Then was called in Weinpuck & was Examined

Why & who it was that killed the man w^{ch} at first he seemed to make strange of & not to own but being told y^t Umpanchala had owned & s^d he was there after w^{ch} he owned alsoe y^t he was there but Waweeness & Strawberrys Son killed y^e man but he had no hand in it—

Then was called Strawberrys Son & Examined

After many Shiftings in the matter & saying his pⁿrs lyed yet after awhile owned he was there but Maweeness shot the man & had alsoe a Bow & Arrows

Then was called Wahweeness & Examined

Being charged with the fact & told that his pⁿrs all 3 of y^m accused him yet he denied it being much disturbed Chargeing his pⁿrs as Lyars in accuseing of him & holds his denying of it yet they Confessing & accuseing as afores^d these 4 Indians are Secured in safe custody till further Ord^{rs}

A true Ccopy of y^e Examination of the abovenamed Indians taken this 6 Octobr 1696 attests

SAM^{ll} PARTRIGG." — *Ibid.*, p. 382.

At that time the Superior Court of Judicature, which held the assizes for the trial of all capital cases throughout the province, had ceased to hold sessions in Hampshire County by force of the act of June 17, 1695.* It, therefore, became necessary to issue a commission of oyer and terminer as provided by the province charter† As soon, therefore, as the news from Hadley reached the Council chamber it was "Advised and Ordered. that a special Commission of Oyer and Terminer be made out unto John Pynchon, Sam^l Partrigg, Aaron Cooke, Joseph Hawley Esq^{rs} and Joseph Parson Gent, or any three of them, whereof the said John Pynchon or Sam^l Partrigg to be one for Tryal of the said Indians &c according to law."‡

With this commission was enclosed the following letter from the Lieutenant-Governor to Colonel Pynchon, the first justice named in the commission:—

"Boston Octe 13th 1696.

S^r:

Haveing rec^d an accot from Cap^{ne} Partrigg of the faleshood and treachery of the Indians residing neer Hatfield (pretended ffreinds) in a late barbarous murder by them perpetrated upon one of s^d Town, and that ffour of them are in custody, who upon Examina^{con} confess the Fact; Wherefore from the present necessity for his Mat^{ys}. Service, and the Speedy Execution of justice on those bloody Villains and Rebels, I have with the

* Province Laws, 1695-6, chapter 4. This act continued in operation until December 10, 1697, after the proclamation of the Peace of Ryswick.

† See Proc. Mass. Hist. Soc., vol. XX., p. 297.

‡ October 10, 1696. Executive Records of the Council, vol. 2, p. 419.

advice and consent of the Council, here inclosed a Special Comission unto yor Selfe and severall other Gent^l within the County for that purpose with a *Dedimus* for administring an oath to yo^rselfe &c. As to the demand of the Souldiers for allowance for the s^d Indians according to the direction of the Law; the case being something different from that expressed in the Act, the Council thought it advisable to refer the same unto the consideration of the General Assembly at their next Sitting which will be in a short time to come, who will doubtless be ready to give all due Encouragem^t unto the Souldiers As to the remainder of the said Indians. care must betaken for securing them, till there shall be further order thereab^t: in which the Council will advise, & give directions concerning thes^e as soon as may be — It will be advisable that all y^e male persons among them be taken into some more strict custody in y^e prison or elsewhere that they may be kept y^e more safe until they be removed. I shall give an accot of this mischiefe unto Colo Fletcher by y^e next Post and pray his giving more strict orders for restraining their Indians visiting of yor parts. I trust those now in custody shall not Escape Justice and yon will give y^e necessary orders for the Security of the parts within yor Regiment.

I am Your very loving Friend

WM STOUGHTON

Colo Pynchon." — *Ibid.*, p. 383.

The commissioners met on the twenty-first and after taking the qualifying oaths immediately empanelled grand and petit jurors for the indictment and trial of the prisoners, two of whom were convicted and executed as principals in the murder and two others were convicted of being accessaries.

The attainder of the latter was suspended until after advice upon the question of their punishment could be received from the Lieutenant-Governor.

The proceedings before this tribunal are given in the following official report: —

"Right Honorable Sr with y^e Honorable Gentlemen in Counsell

These are to aquainte you y^t yo^rs to Coll^l Pynchon Esqr with a Comission to severall Gentlemen here to hold a Corte of Oyer & Terminer was Recd & accordingly Communicated to all Concerned therein; Upon which an Order was forthwith Sent to o^r Sherriffe for this County of Hampshire to impannell & Warne 16 of o^r ablest men for Grand jurors & 12 as Pettee jurors; The 21st Inst in Northampton being the tyme & place of Meeteing accordingly y^e Gentlemen Mentioned in the Comission & y^e afores^d jurors meet Havcing taken y^r Oaths Respectively; The 4 Indians viz MaWeeness, Mahquoloss, Wenepuck & Umpanchelo Prison^rs; The first viz Maweeness was indited as a Principall in Murthering Richard Church of Hadly an English man to which the Other three testified that MaWeeness with y^e discharge of his Gun shott y^e man & all Circumstances agreeing y^e Grand jury Returned On y^e inditem^t *Bille Vera* The Pette jury found him Guiltie Also Maqualoss was indited as a principle actor in s^d Murther to which the two viz Wenepuck & Umpanchelo testified y^t Maquoloss ran up with MaWeeness to y^e English man w^h y^e Guns were discharged & stood peremtory to y^r Tests face to face Upon which with Other Circumstances y^e Grand jurors Returned On y^e inditem^t *Bille Vera* & the Pette jury found him Guiltie Upon which Unto these two Indians y^e Sentence of death was pronounced to be Executed On the 23 Inst at two of the Clock in y^e afternoone & accordingly was Executed &c

And As to y^e Other two Indians Wenepuck & Umpanchelo they were indited as Accessories if not principals in s^d Murther, Upon y^r Own confession of accompanying with other Circumstances & so taken & Especially concealeing both before & some Considerable tyme after Examinatiō The Grand jury Return^d their inditem^t with *bille Vera* & the Pette jury found y^m Guiltie as Accessaries Only —

As to these two prison^rs although they are brought in as Accessaries & the Law being Extended may Render these Lyeable to Execution as with y^e Others with death yet we have at p^{re}sent Suspended y^e matter hoping to obtaine advice from yor Honors in o^r further proceddure with y^m Upon these considerations ffollowing —

1 By y^e joynt testimony of these men peremtorylie affirmeing & abideing by their Testimonys to y^e Last; Those two already executed their condemnation was made cleere & Satisfyeing to all y^t acted thereupon yea to y^e Other Indians who we caused to be p^{re}sent at their Examinations &c —

2 Wee have No Ground but their Own confession to make y^m Accessaries but their accompanyeing & being taken with y^m & concealeing To w^{ch} they Reply they were afraide to come in & informe p^{re}sently Least the rest should not be taken & So bring the Guilt or fault to be Chargd upon themselves alsoe that they did not Know o^r Laws if they had they would have Come in p^{re}sently & informed &c —

3 They pleade their Own manners in such cases of Murther Those that run away & act nothing they Useally ffree, Although this be no bindeing thing as to us yet haveing such a nation to deale with that Know no better it may y^e Rather Mitigate y^e Offence

4 The case is so circumstanced with us at p^{re}sent y^e intanglements & interweaveing difficulties that do attend us in as much as some kinde of Amitie is agreed upon under which many p^{re}tend fireinde shipp that are indeed Enemys, & Enemys y^t are so indeede shrewd themselves Undecerned to us, alsoe those that are & would be ffreinds are So instigated & all sorts of y^m given to Revenge y^t it calls for y^e more Even & Warie Stepps in these proceedings to be taken so that if we should say & propose y^t some are for keepeing y^m in Securitie with hard Labors to cleere thire keepeing, some are for Banishm^t some for Sending y^m Out of y^e Country, And none for Returneing y^m to their former Station yet we desire all may be concluded in yor Honors advice —

And as to y^e Remaindr of y^e Indians in Hatfeild w^{ch} are 6 men & two were gone Out with y^e New Roxbury Indians Undr Petr Aspenall in all 8 Alsoe 9 Squas & 23 Children boys & girles in all 40 persons w^{ch} are under bonds as afores^d Wee propose y^t they be removed, some propose to Albany theire to abide & not here to appeare againe Especially if Armed On paine of death or libertie for any one to shoot y^m down; some propose they bee Removed to some jland never to returne into these p^{ts} but yet all is Subjected to yor Honors advice & y^e good Lord of Heaven Guide & direct yor Honors in these & all

other yor Weightie and difficlnt concerns that they may be by yor selves so Ordered & Managed as May be to his Glory & y^e Good & Welfare of his poor Wilderness people is the heartie desire of yors Much Oblidged in Service

By Ord^r from } y^e Cort^e } P^r SAMLL PARTRIGG." — *Ibid.*, p. 378.

To this report was appended the following postscript and direction : —

"Petr Aspenall tooke y^e two Indians abovenamed from Out of y^e place we had Secured y^m & by a Wile got y^r Armes wⁿ he was foridd so to do P^r Sam^l Partrigg Und^r whose Custudy or appointm^t they were for w^{ch} he Ought to answer of which more hereafter &c~

As to y^e Kings Maj^{ts} Amercem^{ts} & y^e Charges of this his Cort^e we shall Endeavor to take account & give in as soone as things are Issued & Returne can be made &c~

To y^e Right Honorable W^m Stoughton Esq^r Lt^t Gov^r &c These p^{re}snt with Care & Speede." — *Ibid.*, p. 379.

The court was kept alive by a ljourment to await the decision of the Lieutenant-Governor and in the mean time Partridge offered to Stoughton the following humane suggestions, or reasons for a reprieve, or possible release, of the two accessaries : —

"Reasons why those two Indians in y^e County of Hampshire apprehended Upon the Murther of Rich : Church & by a jury there found as accessorys to sayd Murther should be Repreived & if it may be Released &c

1 These two Indians by their plea it appeares it was a Chance y^t they were in sight of s^d Indians y^t did the Murther & No ways forethought or plotted this thing but at 30 Rodds distance or thereabouts did see y^m shoote & run up to the Englishman as afores^d & drew back & had no hand in it.

2 If a man by Chance falls in Company of Murtherers or Robbers & they yⁿ act their wicked or bloody designes (is this man because upon y^e Ground an accessorie) This may be y^e case of a verry honest man & no ways Guiltie if he forthwith make discovery of y^e act : if he should be so weak as to concale it, it is or Seems to be verry hard to Render this man accessory Except in y^e Lowest degree of accessories w^r in Some Other punishm^t Less then death may be inflicted

The like Reason for an jdiot : &c

3 Wee have no other Grounds to go upon agst these two Indians but by their Own relation of Matters w^{ch} was as aboves^d & they discovered the Murtherers &c~ & as to concaleing they give their Reasons~

4 An accessorie must fore Know thinke contrive or consent we have no such appearance~

5 It is a difficult tyme y^e Providence of god hath verry much frowned upon us stirring up y^e heathen agst us & it Seems to be prudence to take of all occations y^t may aggravate their Evill spirits agst us as much as may be (Except in cases of hostilitie) That though the Law in strictness might call for further proceedure agst them yet in many Respects in this tyme of warr blood and Captivitie we may have a call to abate it &c~ Least y^e Strict Execution of a Law on y^m that do not Understand it, May instigate Cruelties agst some of ors as the case may be circumstanced, Especially Least we or till we declare all indians to be Enemyes &c

SAMLL PARTRIGG." — *Ibid.*, p. 400.

About a month later Partridge and Parsons, two of the justices, in sending recommendations to the Lientenant-Governor and Council respecting the best course to be taken for the defence of Hampshire County against the French and Indian enemy, improved the opportunity to submit the following : —

"Some proposalls as to an Issue Referring to y^e Indians in Hatfeild the murther there done & those Indians yet in Custady &c

The Cort^e of Oyer & Terminer held in s^d County by ajournm^t yet Continuing with this proviso Except y^e Lt^t Gov^r & Counsell say it may not be

That y^e Pette jurors be sent Out againe Upon y^r two Indians in Custady they haveing Since declared at Least many of y^m that they did not Know y^t a Virdict upon y^m as Accessorys would touch life

That s^d Cort^e then proceede to an Issue concerneing y^m Eithir to a discharge upon conditions, or otherwise to Sentence & condemnation Except the Lt^t Gov^r see Meete to reprieve them for a tyme

That y^e Remaynd^r of y^e Indians Now in Hatfeild Remayneing there be wholie disarmed & Submitted to such Manners & Ord^s as Co^l Pynchon shall direct his Und^r officers to; Provided Nevertheless they be warned to go home to Albany & Not to appeare (takeing notice themselves & give notice to all others y^t if any appeare in o^r Qua's Armed the English Will shoot them down at Least they will thereby be Rendered & accounted Enemyes

dec 16 1696

SAMLL PARTRIGG
JOSEPH PARSONS." — *Ibid.*

Meanwhile Partridge sent in the following account of expenses attending the trial of the prisoners : —

"An accompt of Charges & Expences of y^e Tryall of fowr Indians at a Cort^e of Oyer & Terminer Holden at Northampton in the County of Hampshire on y^e 21th day of Octobr 1696

| | | | | | | | | |
|---|--------------|---|---|---|---|---|---|--------------|
| The Honorable John Pynchon Esqr | 4 dayes | . | . | . | . | . | . | 01 - 00 - 0 |
| Sam ^{ll} Partrigg | 6 dayes | . | . | . | . | . | . | 1 - 0 - 0 |
| Joseph Hawley | 4 dayes | . | . | . | . | . | . | 0 - 16 - 0 |
| Aaron Cooke | 4 dayes | . | . | . | . | . | . | 0 - 16 - 0 |
| Joseph Parsons | 4 dayes | . | . | . | . | . | . | 0 - 16 - 0 |
| Jn ^o Holyoke Esqr | 2 dayes each | . | . | . | . | . | . | 00 - 12 - 00 |
| Tho Colton Gent | | . | . | . | . | . | . | |
| m ^r Jn ^o Pynchon 3 ^d | Clerk | . | . | . | . | . | . | 00 " 09 " 00 |
| Mr Ebenezer Pomery | Attorney | . | . | . | . | . | . | 00 " 12 " 00 |
| Richard Webb | interpreter | . | . | . | . | . | . | 1 " 10 " 00 |
| Grandjur ^s 16 men one day — 2 ^s p ^y | | . | . | . | . | . | . | 1 - 12 " 00 |
| Pette jur ^s 12 men 2 days a peice at 2 ^s p ^y | | . | . | . | . | . | . | 2 - 08 " 00 |
| two posts horse & men from Hatfield to Springfield 35 miles at at* 8 ^s 9 ^d a peice | | . | . | . | . | . | . | 0 " 17 " 06 |
| To 30 men a day & a Night a peice to Guard y ^e Indians at Northampton at 2 ^s p ^y | | . | . | . | . | . | . | 3 " 00 " 00 |
| Provisions for 4 Indians 15 days & Nights &c at 6 ^d p ^y | | . | . | . | . | . | . | 1 " 10 " 00 |
| To 8 men in p ^r suite of s ^d Indians one day apeice at 1 ^s p ^y | | . | . | . | . | . | . | 0 " 08 " 00 |
| To 15 men 2 days apeice after s ^d Indians at 1 ^s p ^y day | | . | . | . | . | . | . | 1 - 10 " 00 |
| To 37 men 1 day & a Night by turns Guarding s ^d Indians at 1/6 p ^y | | . | . | . | . | . | . | 2 " 15 " 06 |
| To 1 day of one man to get Irons made to Secure s ^d Ind at 2 ^s | | . | . | . | . | . | . | 0 " 2 " 00 |
| To y ^e Smith for jrons 8 ^s | | . | . | . | . | . | . | 0 " 8 " 00 |
| To Provisions for 4 Indians 37 days & Nights &c at 6 ^d p ^y | | . | . | . | . | . | . | 0 " 18 " 00 |
| To m ^r Hawley w th 10 men goeing out to place w ^r y ^e Murther was done for further discovery of s ^d murther at 1 ^s p ^y | | . | . | . | . | . | . | 0 " 11 " 00 |
| Enos Kinsley 1 day attendance & 9 days provisions & Secure-ing 2 Indians &c at 1 ^s p ^y | | . | . | . | . | . | . | 0 " 11 " 00 |
| fwor Indians at p ^y head at 00 ^d p ^y | | . | . | . | . | . | . | |
| | | | | | | | | 23 - 14 - 00 |
| To m ^r Jos Parsons to Secnrceing & provissions for two Indians 14 days &c | | . | . | . | . | . | . | 00 " 14 " 00 |
| To 22 days of one man by turns to Guard s ^d Indians at 1 ^s p ^y | | . | . | . | . | . | . | 01 " 02 " 00 |
| To 2 persons as Witnesses travelled 5 mile 1 day at 18 ^d p ^y | | . | . | . | . | . | . | 00 " 03 " 00 |
| To provisions for 4 Indians 4 dayes at at* 6 ^d p ^y | | . | . | . | . | . | . | 00 " 08 " 00 |
| To gring† two Indians 7 weeks apeice at 3 ^s apeice | | . | . | . | . | . | . | 02 " 02 " 00 |
| To 13 men Guarding s ^d Indians 1 day a peice by turns at 1 ^s | | . | . | . | . | . | . | 00 " 13 " 00 |
| | | | | | | | | 05 - 02 - 00 |

p. 399. p Ord^r of Corte SAMLL PARTRIGG." — *Ibid.*,

The vote allowing this account constitutes this chapter. It was passed in the House on the eleventh of December and concurred in by the Council on the twelfth.

The order in Council for paying the allowance from the province treasury was passed on the seventeenth of December‡ and the amount was duly charged as paid, in the treasurer's accounts.§

The uneasiness of the River Indians in regard to the fate of their brethren was a source of no little anxiety to Governor Fletcher, who communicated to Stoughton the complaints which had been made to him by the sachems. The letter in which this communication was made, and which has not been found, was at once forwarded by direction of the Lieutenant-Governor to Colonel Pynchon with the following letter:—

"Honble Sr/
By Com^d of the Honble the Lieut. Govr and Council I have inclosed the within written from Gov^r Fletcher; whereby you will see what false Reports the Indians are entertained with relating to the two Indians lately executed within yor County which may prove of ill consequence unless care be taken to informe and convince them, that they were justly put to death, as being the Murderers of Richard Church It's therefore thought necessary, that yor Selve with the other Justices do forthwith cause a particular narrative of the whole proceedings with them as to the manner time & place of their apprehention first Exam^{con} confessions, Tryal & all circumstances relating thereto to fasten the guilt of that blood upon them; to be methodically and handsomly drawn up, under yor hands, and speedily to transmit y^e same unto his Honour the Lt Gov^r that it may be forwarded unto Gov^r Fletcher, and to speak particularly whither any whippings, threats or other Severitys were exercised towards any of them to extort a confession, and to that article of their being Seized in a hut or wigwam, and the manner of their being put to death & to whatsoever else you shall falsely insinuated* by the Indians in the inclosed paper. the matter is of great moment yor care diligence and Speed therein is therefore desired and expect^d of which pray faile not
I am Sr
Your humble servant I: ADDINGTON
Boston February 22^d 1696/7
Colo Pynchon." — *Ibid.*, p. 402.

At the same time Stoughton replied to Fletcher as follows:—
"Sr
I had the favour of yors of the 23th past from Albany, with the Propositions made to yor Excy by the Sachems of the Schachooke River Indians in reference to two Indians

* *Sic.*
† *Sic*: guarding?
‡ Executive Records of the Council, vol. 2, p. 429.
§ Mass. Archives, vol. 122, p. 102.

lately Executed at Northampton, for Murder. and am obliged unto you for the Reply made unto them, and yor care to take off their dissatisfaction about that matter, which appear's to be misrepresent'd unto them. I am not altogether unsensible of the disposition of the Indians and was therefore the more Sollicitous that Affaire should be managed with utmost circumspection; and grant'd Comission for a due and fair Tryal of the said Indians; which I am Satisfy'd they had, three of them upon their Exam^{con} at their first apprehention confessed the Murder and accused the other Indian to be the chief Actor therein and stood by their confession to the last, one of them dying with that confession; which proceeded from them freely without being extorted by threats or punishm^{ts} as is falsely insinuated in the Indians Complaint to yor Ex^{cý}. and were not put to death by shooting. I shall give Order to have a full and particular narrative from the Gent^y upon the place that were concern'd in that proceeding as to the circumstances concurring thereto, and shall transmit the same unto yor Ex^{cý}. whereby the Indians may be fully convinced; the Justices of that County informed me that y^e Evidence was so full and clear against them as was fully to the Satisfaction both of the Judges Juror^s and all the Auditory, even the Indians of their own Company that were present at the Tryal. I shall advise concerning the other two Indians in custody and those remaining in or about Hatfield I Pray yor Ex^{cý}. to use utmost Endeavor^s to pacify & quiet the Indians, that no inconvenience may happen by their being imposed on or abused by false Reports, and that they may receive Satisfaction in Justice takeing place upon any of their people for their crimes.

Boston February 22^d 1696 7

I am

S^t Y^r Ex^{cýs}

most affectionate humble serv^t

W. S.

Gov^r Fletcher." — *Ibid.*, p. 401.

In response to the request of the Lieutenant-Governor the commissioners of oyer and terminer prepared the following narrative of their proceedings which is also a reply to the objections communicated by Governor Fletcher: —

"A Breife Narative of the proceedings of Severall of his Maj^{tis} Justices of the Peace for y^e County of Hampshire & at a Corte of oyer & termin^r Holden at Northampton On the 21 of Octobr 1696 By Comission from y^e Honorable L^{tt} Gov^r & Counsell in Boston in New England where were Examined & tryed 4 Indians in suspicion of being Guiltie of the murder of Rich^d Church an English man in Hadley which is as ffolloweth

Upon y^e first News of y^e s^d murther in Hadley afores^d Severall men from Northampton, Hadley, & Hatfeild imeadiately went forth to y^e place (about two miles from Hadley in y^e Wilderness) where s^d murther was done & did finde s^d Church murthered by a gun shott Through his heade & by an Arrow shott into his Body his Gun with some p^{ts} of his Cloaths & a Scalpp taken of from his head being carryed away, from thence s^d Sould^rs Some of them Returned home with y^e dead man and Others did persue Upon ffresh Tracts forward into the Wilderness in which motion they found where about four Indians had lyen without fire the Night before as it appeared to them; alsoe in s^d persnite was taken up & found a p^r of Deers horns with some p^{ts} cut of newly & the same p^{ts} or peices found at a fire near where they tooke One of sayd Indians & the other 3 fledd which after came in to Hatfeild thereabouts alsoe was found Shaveings & Chipps of the same timber of a Gunstick taken with y^e Gun Viz Maquolous Gun Alsoe in One of the Indians Packs was taken Severall Arrow Rodds of y^e same kinde of wood with y^e Arrow fixed & Shott into y^e Body of y^e sayd Church After w^{ch} s^d Sould^rs Returned with y^e Indian taken & soone after the Other three Indians came in to Hatfeild & being apprehended were had in Examnation before Sam^l Partrigg Joseph Hawly & Cap^t Aaron Cooke Esq^{rs} three of his Maj^{tis} Justices &c togeather with the Rev^d m^r Sol: Stoddard & m^r Williams two of o^r minesters w^r after many Excuseing & Contradictory Answers from s^d Indians as to y^e matter of ffact putting a denyall thereto; One of the s^d Indians Pemaquenaxett by name a young man of about 18 yrs of age was Ordered with three of o^r English men to goe Out to y^e place where s^d murther was done who there Veived the place & blood shedd on the ground then & there being Questioned with about y^e matter he without force stroak or Violence used towards him or Threats that way the s^d Indian Owned that Mahweness & Mahquolous two of the afores^d Indians by their Gun & Bows & Arrows killed y^e man shewing where they stood wⁿ they did it, & w^r himself & Wene-puck stood considerably distant & Saw them kill the man & being brought home againe & before y^e aforenamed Gen^lmen there alsoe Owned y^e same That Mahweness & Mahquolous killed the man: Alsoe then Wene-puck being called Owned the same; Mahweness & Mahquolous being then brought they Would not Own against themselves Yet Mahquolous Verified w^t the first two Indians s^d as y^t Mahweness killed the man, but not against himself.

Wee Further add that such care was taken Least that y^e Indians might be wronged (That after y^e confessions afores^d) to finde Out the truth of what was declared two of o^r Justices Viz Joseph Hawley & Joseph Parsons Esq^{rs} with Eight Other men takeing two other of the Indians Prison^{rs} viz Mahquolous & Wene-puck to y^e place w^r Richard Church as afores^d was murthered, These two Knowing nothing that Ever Pemaquenoxett was there they goeing in two Company^s wth the Indians separte about a mile One from y^e Other, Leaveing the Indians to Lead to the place, Wene-puck at a great distance shewed us whereabout the man was killed, & comeing to the place, Shewed us the Verry trees as hee sayd the two Indians stood at y^t killed the s^d Church, One being about four rodde the other Six distant from y^e place where the man was slaine, Which trees were the Verry same w^{ch} Pemaquenoxsett had Shewn the Weeke before as appeared by the Testimony of Nath^l Ailexandr^e who went out both tymes; Then hideing Wene-puck in a Swamp the Other Indian Maquolous came directly to the same place & Shewed the same trees, Where he s^d Mahweness & he himself stood saying twas Mahweness killed the man —

After which according to a Comission from y^e Honorable L^{tt} Gov^r & Counsell a Corte of Oyer & Termin^r was Holden in Northampton afores^d On y^e 21 Octobr 1696 — Where were p^{rsent}

The Honorable John Pyncheon Esq^r
 Sam^l Partrigg } Esq^{rs}
 Joseph Hawley }
 Aaron Cooke }
 Joseph Parsons Gentle^m
 m^r John Pyncheon Clerk

And Sixteene good & Lawfull men inpannelled as Grand jurors two persons Acurate in the Indian toung Sworne to be faithfull interpreters And all the Indians from Hatfeild & hereabouts present —

Ebenezer Pomery being appointed y^e Kings attorney did in his Maj^{ties} behalf prefferr a bill of inditement against Mahweness as principall in Company with Severall Others for murdering of Rich: Church On such a day as y^e Inditement

Which bill the Grand jurors returned *Billa Vera*

Then he was put upon tryall of his life by a jury of twelve men Every One Lookeing the Prison^r in the face & Challenge of any allowed: his Inditement being Reade & interpreted (*virbatim*) he pleaded not Guiltie, & put himself On tryall by God & the Country; After which the Attorney proceeded, & Every Evedence face to face & the pleas being distinctly interpreted to him; in the case, it was then Comitted to the jury, the Indians all the tyme standing by (who Understood both Indian & English langgnige) the jury Brought in their Virdict that they finde sd Mahweness Guiltie of the fact wherein he stands indited.

What the jury acted upon it is not for us to determine but doubtless Upon good ground findeing the fact — They had it Evedenced to y^m the death of the person with the circumstances of it alsoe this Indian being Wounded in fressh persuite from y^e tract from y^e dead Corps which he Owned that he was in Company with y^m wch Owned the fact as alsoe the peice of y^e Bucks horne found nere or at there fire cut of y^e same horns found upon their Tracts & the Testimony of his three Comrades whose testimony against him must nessessarily be true, they goeing seperately One after another into the woods not Knowing w^t One or other had sayd all agreed to y^e Verry same tree & spott of Ground w^r Mahweness stood w^a he shot at Rich: Chur (the ground being full of trees round about —

Then y^e Corte asked the Indians w^t they had to say why Sentence of death Ought not to pass against him they by their cheife men answered that it was Right & Ought to be so; The Judge passed Sentence that he should be shot to death accordingly did give Warrant to the Sherriffe & it was Executed in Northampton On 23d of Octobr 1696

The like methods & proceedings was taken with Mahquolous & it being Evedenced to the jury that about a fortnight before y^e man was killed that y^e s^d Mahquolous s^d he would kill & English man in Hadly because they were Unwilling they should Hunt in their woods as alsoe upon fressh persuite of the Tract he being in Company with the rest as he Owned, A new Gunstick found in h^e Gnn the Chipps of which y^e same wood was found on their Tract as alsoe an Arrow in the mans Body made of y^e same wood with y^e Arrows found in his Pack they had alsoe the Other two Indian testimonys agreeing all a Long with their first confession, that is to say that he was active with Mahweness in killing the man stayd wth him & came not to y^m Untill midnight. —

The jury alsoe found him according to his Inditement Guiltie as a principall actor who was the same day Executed. —

As to y^e Other two Wenepuck & Pemequenoxet they were likewise destinctly tryed & found Guiltie as Accessorys & Comitted to y^e Sherriffs care who Since are got at libertie. —

Thus we may see with false reports the Honorable Gov^r fletcher is Entertained with all relateing to the Execution of these Indians as in the Indians narrative they say to Gov^r fletcher

1 They say that or English goeing Out Lost the Tract & for want of provissions returned & went againe the next day.

2 That s^d Indians were taken in a hutt wch they made for the Conveniency of their Hunting.

3 That they Severall tymes Whipped Wenepuck & Pemequenoxett to Extort confessions from them.

4 That they were carried to Hadly, tyed to a tree & after many harsh means used with them to make them confess wch they refusinge were shott to death.

5 That y^e Misscheife done at Derefeild last Snu^r was charged on them —

In answer unto wch Alligations besides w^t we have already sayd in Our narrative in breife we cannot but say that all these reports are Exceedingly & notoriously false. —

Our men imeadiately upon the report of the murther went from Northampton to Hadly & from thence about midnight went to y^e place where the dead man was where they Lay Untill morneing; And by a small ptie sending the dead man home the rest being in number about fortie with nine or ten Indians as soone as they could well see they searched for the Tracts of the murtherers; found it, & persued it Untill they came within sight of these Indians as they were walking in the woods, Upon discovery of Our men they fledd, One of or men made a Shot & wounded Mahweness in the thigh who then hide himself & being Wounded came not in Untill within night; two Escapet; viz Wenepuck & Mahquolous who run to Hatfeild, The Youngest namely Pemequenoxett was taken in flight, & brought to Hatfeild, & without the Least abuse or ingerie Ever offered to him, y^e next day confessed the ffact, Upon which Wenepuck alsoe without any Stroak Threat Injurie or abuse confessed the same, Soe alsoe the 3^d & all but Mahweness & stood to it to y^e full Issue of their tryall —

As to y^e misscheife at Derefeild killing them & carrying them away Captives we always concludid it was the ffrentch Indians & never Charged it upon them. —

Hampshire March 4 1697

Attested y^e JOHN PYNCHON
 SAMLL PARTRIGG
 JOSEPH HAWLEY
 AARON COOKE
 JOSEPH PARSONS." — *Ibid.*, p. 403.

With this narrative, which is here taken from a copy of the original, also in the archives, Partridge sent the following letter:—

"Northampton M^{ch} 4 1697

Honorable Sr

Yors^d p^d Command from y^e Honorable Ltt Govr & Counsel of y^e 22^d Febr 1696/7 was Recd with y^e Enclosed from y^e Govr of York &c its Evedent what a deceitefull nation & people we have to deale with w^{ch} is no litle agrevation of or trouble & difficultie in deffending orselves & Offending or reall Enemys by which wee are much insnared; according to appointment we have Enclosed a narrative of or whole proceedings in that matter of the two Indians lately Executed & alsoe Coppys Out of or Records of the whole w^{ch} is only to aquainte yor selves more fully we rather incline the narrative only be sent to York but Submitt ors to what yor Honors may see meete; Something agreed Upon betwixt y^e two Govrmts might be advantagious as to these Indians that ptend Freindship We are ready to thinke as the case is Circumstanced for tyme to come all that are found wth Armes in or p^{ts} we must accompt Enemys & if or people have not libertie so to doe, & those neighboring ptended Freinds Thoroughly informed of it we shall be insured more for Certaine they are a people much given to Revenge, alsoe we are fully Satisfyed & Some of these Indians have Owned as Much y^t they have intercourse wth the Eastern Enemys many of them being in affinitie with them; wee are all desirous to have them sent home to Albany if they would keepe them in order but that we finde they will not doe, for those 4 Indians apprehended, were Expressly Ordered not to goe Over to y^e East side of the River nor to be Out a hunting on the Sabath & yet they fayled in both & thereby Rendered them selves as Enemys (as p^d an act intituled an act for y^e further continuance of Sever^l acts relateing to y^e prosecution of the Warr) Enacted 20 Novr 1695*) at this verry tyme wⁿ they were taken; The good Lord of heaven Grant Guidance & direction to yor Honors in all weightie concerns & in this difficultie to whome we desire to Comend you begging yor pray's & Subscribe yor Honors Much Oblidged Serv'ts

SAML^L PARTRIGG p^d Ord^rfrom y^e Justice meet." — *Ibid*, p. 408.

On the fifth of April the Lieutenant-Governor forwarded to Governor Fletcher a copy of this narrative, with the following letter:—

"Sr/.

According to what I intimated unto yor Excy^t. in my last I have inclosed the narrative of proceedings against the four Indians Tryed in the County of Hampshire for murdering of Richard Church of Hadley; I am sorry it has been so long delayed the distance of place and y^e difficultys interveening has occasioned the same; I hope yor Excy^t. will improve it to remove those prejudices which may be conceived by y^e Indians upon the false reports given them of that proceeding as if their Friends were evilly treated, by threats severitys and cruel usage to extort confessions from them, and then in a tumultuous manner put to death without due process of Law, the contrary whereto is Set forth in the s^d Narrative and the same methods taken for a fair and equal Tryal of them as for the Kings Subjects, and y^e conviction so full upon them as gave full Satisfaction not onely to the Judges and Jurors but to all others that heard their confessions and y^e Evidences against them; yea even to the Indians that were present who declared they ought to be put to death.

Nothing has occurred here worthy yor Exeys remark since that which I observed in my last; but am in daily fears of receiving Intelligences of the Enemys making further depredations either by Sea or Land; thō. I have taken care to enforce the Frontiers and Guard the Coast by ordering out the Frigatts and hope it will not be long before we receive Intelligence and some Supplys from England. which I wait for wth longing Expectation and the arrival of his Majtys Governor

I am. Sr/. Y^r Excy'sBoston. 5^o April. 1697./.

Most affectionate humble Servant

W^M STOUGHTONGovr Fletcher." — *Ibid.*, p. 409.

After the receipt of this narrative, and before a copy of it had been forwarded to Governor Fletcher, the Lieutenant-Governor ordered "that a Bill be prepared for Preventing Inconveniencies by the Indians pretending to be friends."† No acts were passed during the fourth legislative session that year, but the first act‡ passed in the third session of the next year declared that "all Indians . . . found . . . within twenty miles on the westerly side of Connecticut River, shall be deemed enemies and treated as such."

The peril to which the upper settlements of Hampshire County were exposed on account of this merited punishment of the murderers (which stirred the resentment of the vindictive savages who were ever seeking a pretext for further vengeance) prevailed with Connecticut to send a much needed reinforcement to the isolated outpost of Deerfield.

The following is a compact statement of the aid rendered by the southern colony:—

"A letter from Hatfield dated Octobr y^e 7th, 1696, directed to Colon^l Allin and subscribed by the Reuer^t Mr Stodder, Capt. Patrick and the Rever^t Mr Williams, declaring their distressed condition by reason of mischief done among them by Indians and their great and continuall fear of more mischief from their barbarous enemies, with an earnest desire that this Gen^l Assembly would grant them a speedy supply of fortie or fiftie men for their defence: the Court having seriously considered the matter and compassionating the condition of their distressed friends and neighbours, and also apprehending that his Majesties interest and the security of his subjects was deeply concerned, and that there was necessity of speedy relief, did order that forthwith fortie men, two of them officers, be forthwith levied in the towns of Hartford, Windzor and Wethersfield, and well fitted and furnished with arins and ammunition, and also for each man a horse to be provided with furniture fitt for travail, to march with all possible speed up to Deerfield, there to imploy

* Province Laws, 1695-6, chapter 14.

† March 24, 1696-7. Council Records, vol. VI., p. 512.

‡ Province Laws, 1697, chapter 12, § 4.

themselves in the best manner they can for the defence and security of his Majesty's subjects in those quarters and for the discovery and destroying of any enemies that shall invade them. Lieut. Stephen Hollister was chosen to be chief commander of the souldiers that are to march out upon the aforesaid expedition, and commissioned accordingly." — *Colonial Records of Connecticut, 1689-1706, p. 179.*

"Part of this employment may have been to put the defensive works in repair. There was need of it, and the town voted Oct. 31st, 'That all Train Soldiers belonging in the Town of Deerfield shall labor about their fort ye next Monday & Tuesday being ye 2d & 3d days in November next ensuing for a general way beginning att one certain place of ye fort and so going on.'" — *History of Deerfield, etc., in Greenfield Gazette and Courier (1885-1887), by George Sheldon.*

Chap. 54. This chapter is from council records, vol. VI., p. 502, and archives, vol. II, p. 121.

Ever since the dissolution of the court of oyer and terminer appointed for the witch trials, and the recovery of the people from the fatal mental endemic which began at Salem, it had been felt by many good men that there was an urgent call for the observance of a day of general fasting, humiliation and prayer, to appease the Divine wrath on account of the sins of the people, and especially to bewail the errors committed in dealing with the witchcraft.

The Lieutenant-Governor, however, who had sat as chief justice in that commission, could not be persuaded that any judicial errors had been committed except such as the wisest, most humane and most circumspect judges are occasionally liable to in the performance of unavoidable and difficult duties.

All the justices were of the Council, and were sensitive as to any expression of opinion which implied censure of their conduct. This was undoubtedly the reason why motions in the popular branch of the Legislature, and suggestions by the clergy, for the appointment of a fast, failed of results, — the right to issue a proclamation being confessedly the proper function of the Executive.

The reverses, which the province had recently suffered in its attempts to resist and attack the enemy by sea and by land, had served to confirm the feeling that a public expression of humiliation should be no longer delayed. The loss of one of the ships of the royal navy, sent hither for the defence of the seacoast, and the discomfiture of another, — in attempts to dislodge Villebon from his quarters on the river St. John; the supplanting of the English, by the French, flag, at Port Royal; and, above all, the surrender and destruction of the supposed impregnable fort at Pemaquid, — the cost of building and maintaining which had been such a heavy burden to the province, — were utterly disheartening circumstances. And when to these were added the havoc wrought by a cruel and implacable foe along the whole frontier, east and west, extending even to Groton, Andover, and Haverhill; the loss of many effective men in the service on the land and sea; the failure of harvests by unfavorable weather, and by the inroads of the enemy; the interruption of commerce by the depredations of hostile fleets and of pirates and privateers; the spread of contagious diseases; and finally, a sadly depleted treasury, — the situation seemed to indicate, in the light of the views then prevalent of the relations of God to man, that such signal marks of Divine displeasure as the province was being visited with could only be attributed to some general cause of offence commensurate with this punishment.

Public opinion on the subject of the witchcraft had undergone a great change. Through the efforts of Rev. Samuel Willard, and others, to stay the excesses of the prosecution, certain arguments and views had appeared in print which had subverted the theory upon which most, if not all, the victims of the delusion had been convicted. A more powerful influence still was the courageous opposition to the views of Rev. Cotton Mather, offered by Robert Calef, a merchant of Boston. This had been manifested in a written essay in which, with great cogency and boldness, he had challenged Mather's declarations and conduct in the course of the delusion; and though it was impossible for Calef to procure from the Lieutenant-Governor a license to print, the circulation of his manuscript had increased the reaction started by Willard. It was now generally conceded that innocent blood had been shed, which, like Abel's, was crying for vengeance.

When, in September, the forces under Lieutenant-Colonel Hathorne were sent forth to retrieve the losses suffered in the Bay of Fundy and to destroy Villebon's fortified headquarters on the St. John, the General Court, as has been shown, kept a day of prayer for the success of the expedition. On that occasion, Rev. Samuel Willard, who had been appointed to preach the sermon before the Assembly, deplored the neglect of the authorities to make public confession of the guilt incurred in the witch trials.*

Cotton Mather upon whom, more than on any other one person, rested the responsibility for whatever was deplorable in the witch trials, was preparing to shift the responsibility upon the justices, by giving a false interpretation to the equivocal advice drawn up by him, and upon which they had acted, and by seeking for causes for the present distress that would not reflect upon the laws against witchcraft. He maintained that while some innocent persons might have suffered, the justices had not done their full duty in allowing to go unpunished certain others who were guilty of the great crime, or of practising criminal arts leading thereto.

During the third session of the Legislature, this year, moreover, there had passed through the Council an act for incorporating Harvard College which was extremely objectionable to himself, and to his father then president of the college, and against which both had formally protested in writing. He could not suffer to pass unimproved an opportunity to

* The official record of the proceedings on this occasion is given in the note to chapter 35, *ante*, but the following is Sewall's account of these solemnities: —

"S: 16. Keep a day of Prayer in the East end of the Town-House, Govr, Council and Assembly. Mr. Morton begun with Prayer, Mr. Allin pray'd, Mr. Willard preached — If God be with us who can be against us? — Spake smartly at last about the Salem Witchcrafts, and that no order had been suffer'd to come forth by Authority to ask God's pardon." — *Diary, vol. I., p. 433.*

requite the councillors who had thus offended him. This twofold inducement led him to prepare for “the committee on religion” appointed by the House during its third session, “a bill,” to be reported by them, for a fast, in which he took pains to ascribe the evils of the witchcraft mania to certain “wicked sorceries,” — which were probably nothing more grave than the innocent diversions of some children in Andover in practising the old trick of the “sieve and scissors,” or of “the book and key,” — and to intimate that all civil officers, including the judges, had been remiss in their official duties.

To this bill, “a streamer,” as Sewall calls it, was affixed, containing three separate specifications in different handwritings, of certain other faults. One of these specifications, apparently written by Byfield, animadverting upon the administrators of justice (probably on account of his failure in a suit at law), gave great offence to the Council. So, although passed by the House on the tenth of December, and then sent up to the Council, for concurrence, this bill or “declaration,” with the vote thereon, both of which are hereunder given, was rejected by the Board on the following day: —

“Inasmuch as the Holy God, hath been, by Terrible and Various Dispensations of His providence, for many sevens of years Together, most Evidently Testifying His Displeasure against us; and these Humbling Dispensations of Heaven have proceeded from one Degree of Calamity upon us, to another, Wherein God hath vexed us with all Adversity, until at Last the symptoms of an Extreme Desolation Threaten us: A more than ordinary *Humiliation* of this whole people, accompanied with fervent *supplications*, and thorough *Reformations*, must bee acknowledged Necessary, to prepare us for or Deliverance, from or most unhappy circumstances.

Tis to bee Confessed, and it hath been often Confessed, That the people of this Land, in a Long *Apostasy*, from that Religious Disposition, that signalized the First planting of these Colonies, & from ye very *Errand into this Wilderness*, have, with multiplied provocations to the Almighty, *sinned Exceedingly*.

The spirit of *This World*, hath brought almost an Epidemical Death, upon ye spirit of serious, practical, & powerful Religion.

The Glorious *Gospel* of the Lord Jesus Christ, here enjoy’d with much plenty as well as purity, hath not been Thankfully, and Fruitfully, Entertained, by those that have been Blessed with the *Joyful sound*.

The *Covenant of Grace*, Recognized in or Churches, hath been by multitudes not submitted unto; and of them that have made a *profession* of *submission* unto it, very many have not walked according to the sacred obligations thereby Laid upon them.

A Flood of *Excessive Drinking*, with Incentives thereto, hath begun to overwhelm Good order in some Towns, & even to Drown civilitie itself.

Some *English*, by selling of *strong Drink* unto *Indians*, have not only prejudiced the Designs of Christianitie, but also been the Faulty and Bloody occasions of *Death*, among them.

The most unreasonable Impieties of Rash and vain *swearing*, with Hellish *cursing*, in the months of some, have rendred them *Guilty sinners*.

A Vanity in *Apparel*, hath been affected by many, whose *Glory hath bin their shame*.

The *Lords-Day*, hath been disturbed, with so many profanations, that wee may not wonder, if the Land see *no Rest*.

The woful Decay of all good *Family-Discipline*, hath opened the Flood-gates for Evils Innumerable, & almost Irremediable.

Wicked *Sorceries* have been practised in the Land; and, in the Late Inexplicable storms from the *Invisible world* thereby brought upon us, wee were left, by the Just hand of Heaven, unto those Errors, whereby Great Hardships were brought upon Innocent persons, and (wee fear) Guilt incur’d, which wee have all cause to Bewayl, with much confusion of or Face before the Lord.

It is commonly and credibly Reported, That some, who have belonged unto this countrey, have committed very Detestable *Pyracies*, in other parts of the world.

The sins of *Uneleanness* in many, & ye Grossest Instances, have *Defiled* the Land.

The *Joy of Harvest* hath too much forgotten ye Glad service of God, when Hee hath given us, an *Abundance of all Things*.

Much *Fraud* hath been used in the Dealings of many, and mutual and multiplied *oppressions* have made a cry.

Magistrates, *Ministers*, and others that have served the publick, have been but Great *sufferers* by their services, and mett with unrighteous Discouragements.

Falsehood and *slander*, hath been continually carrying of *Darts thro’ ye Land*.

And the Successive and Amazing Judgments of God, which have come upon us, for such things as these, have not Reclaimed us, but wee have gone on still in or Iniquities.

For these causes, this whole people, is Admonished now to Humble themselves before the Lord, with Repeted Acts of Repentance; and particularly, To this purpose, It is Ordered, That Thursday

bee kept as a Day of HUMILIATION, by prayer with FASTING, before the God of Heaven, in the several congregations throughout this province; and all servile Labour on ye Day, is hereby Inhibited: That so wee may obtain, thro’ the Blood of the Lord JESUS CHRIST, the pardon, both of These Iniquities, and of whatever other *secret sins*, the Lord may have sett in the Light of His countenance: And, that wee may Implore ye Effusions of ye spirit of Grace from on High, upon all Ranks of men, and Especially upon the Rising Generation, whereby or Turn to God, ye Fire of whose wrath is dreadfully consuming or young men, may bee accomplished.

And it is hereby further signified, That it is hoped, the pastors of the churches, will, in their several charges, by private as well as public Applications, Endeavour to prevent all *growth of sin*, as they may discern it, in their Vicinities: and ye churches join with their pastors, in sharpening the *Ecclesiastical Discipline*, against all *scandals* that may arise among them.

And all *civil officers* are hereby Likewise called upon, vigorously to pursue ye Execution of ye *Laws* from Time to Time, Enacted against all Immoralities; and in their several places, as well to make *Diligent Enquiries* and *Impartial presentments*, of all

offences against y^e said Lawes, as to *Dispense Justice equally, for no cause forbearing to do their office*, according to the *oath of God*, w^{ch} is upon them; and unto this End, frequently to have their consultations in their severall precincts, *what may bee done by them to suppress any common Evils*:

Finally, All persons are hereby advised, seriously to pursue the Desigus of a general Conversion unto God, as y^e best Expedient, for ye Encouragement of o^r Hope; *That Hee who hath shown us great & sore Troubles may Revive us*; and not Leave us to perish in the Convulsions which are now shaking a miserable world.

In the House of Representatives

Read 10th Decembr 1696. a first & Second time. Voted, and sent up for Concurrence

PENN TOWNSEND Speaker.

Voted. That the aforesaid Declaration be published in the respective Congregations within this province by the ministers therein, and further That a proclamation issue from this Court, requiring all Justices Constables Grandjury men Tything men, and all other Civil Officers to be faithfull in the Execution of their respective Offices; And That the Laws setting forth the dutys of the Respective Officers afores^d be collected and inserted in the body of s^d proclamation. And that five hundred of s^d Laws and of the s^d Declarations be printed.

PENN TOWNSEND Speaker."—*Mass.*

Archives, vol. 11, p. 119.

The following is the "streamer" referred to, and the caret shows its intended place in the above declaration:—

"A y^t Irreuerne: to superio^rs in age & authority & dissobedienc to parents is too frequent amongst us

parents not keeping up their authority in their families

Neglects in the Administration of Justice impartially and duely in Courts of Justice is too Obvious in this Land."—*Ibid.*

The draught of the proclamation which constitutes this chapter was now prepared by Samuel Sewall, and adopted by the Council on the eleventh. After the Secretary had added the lines in the third paragraph, beginning with the words "may offer up," and ending with the words "home and abroad," and had struck out the words "The Lt Governor, Council, & Representatives in General Court assembled" and the words "and . . . are exhorted to cry mightily to Him, and to put away the," after the word "Wherefore," in the first line, and substituted the words "That so," for the word "And," in the third line; inserting before the word "Iniquity," "That all," and after it the words "may be put away," in place of "from them," the draught was sent down to the House, for concurrence.

The House concurred, with some amendments, on the seventeenth. This did not happen until after considerable debate in the House, and some bluster before the Council by Byfield, who bore the message of the House, of which Sewall gives the following account:—

"Decr 2. 1696. Now about Capt. Byfield brings in a long Bill from the deputys for a Fast and Reformation, written by Mr. Cotton Mather, to which a Streamer was added expressing that Partiality in Courts of Justice was obvious; with a Vote on it that 500 should be printed, should be read; and sent up for Concurrence: 'twas deny'd; and our Bill for a Fast was sent down; Depts deny'd that. Govr told them th^e way was unusual, they had taken, sending out a Committee, calling the Ministers, voting all, and never letting the Council know: that it pertain'd principally to the Govr and Council to set forth such orders with a motion from them. A while after Capt. Byfield came in, and said 'twas no new thing, and they had taken no wrong step. Little was said to him. It seems this message is enter'd in their Booke. The Council were exceedingly grieved to be thus roughly treated."—*Diary, vol. I., pp. 439-441.*

"Decr 19. *Nota*, Deputies voted our Bill for the Fast at length. Mr. Byfield brought it in, said, They would have *doubtless* instead of *probably*. And would have those words—*and so revive that joyful Proverb in the world, One flock, one Shepherd*—Left out. Their reason was because Gods conversion of the American Heathen did not make it good. Therefore would have the word *Obe*y added after our *hear*, and let that be the close.

Note. I had by accident met with and transcribed Mr. Strong's Notes on Rev. 12th about the slaying of the witnesses, the evening before this fell out: The last words were, prepare for it. I doe not know that ever I saw the Council run upon with such a height of Rage before. The Lord prepare for the Issue."—*Ibid., p. 441.*

The amendments by the House consisted in substituting the word "doubtless" for the word "probably" in the last sentence of the second paragraph, adding the words "and obey," after the word "hear," in the last line but one of the third paragraph, and striking out the following final clause: "And so revive that joyfull Proverb, in the World! One flock! One Shepherd!"

The Council had resented the action of the House in proceeding from the initiative to the full draught of this declaration without consultation with them. This led to the following votes by the House asserting their privileges:—

"Decr 1696

In the House of Representatives.

Resolved, That as freedom of speech to debate, so to resolve & vote upon a free debate of any matters for the publick good of this Province without consulting, advising or asking direction from the Hon^{ble} Board above is the undoubted Right & Priviledge of this House.

Voted, That Seeing the Minits of Council are from time to time to be laid before his Majesty and Council at home, for the preventing any Inconveniencys to the Hon^{ble} Board above, This house shall not be unwilling (always Saving the priviledge of this House) to propose and Concert by Message Such things, as shal be thought necessary in Prudence by this house, before they are brought to a vote.

That in y^e late choice of a comittee of Religion by this house y^e receiving their Report in y^e Bill containing an enumeration of Sundry Evills to be confessed on a Publick day of humiliation therein & pose l to be Ordered & appointed & Voting said Bill in this house & sending it up to y^e hon^{ble} Council for their concurrence This House

Protests, That these things were not transacted wth any designe to derogate from y^e Preheminence of that hon^{ble} Board. or to cast any disrespect thereon.

That in Voting a Non-concurrence to y^e Bill for a Fast sent down to this house from y^e Council, This house did not out of any hum^r of Vyeing wth that hon^{ble} Board vote a Non-Concurrence.

Proposed, That Both Bills for a Fast, upon w^{ch} the late debates have been, may be Comitted to y^e Reverend Elders of this Town, and that out of both they be desired to draw a Bill for a fast and lay the Same before this Court.

Decembr 15th 1696. Read a first and Second time." — *Mass. Archives, vol. 11, p. 121.*

The fast kept in accordance with this proclamation is memorable as the day upon which Sewall made his profession of contrition before the congregation of the Old South Society, concerning which he made the following entry in his diary :—

"Copy of the Bill I put up on the Fast day; giving it to Mr. Willard as he pass'd by, and standing up at the reading of it, and bowing when finished; in the Afternoon.

Samuel Sewall, sensible of the reiterated strokes of God upon himself and family; and being sensible, that as to the Guilt contracted upon the opening of the late Comission of Oyer and Terminer at Salem (to which the order for this Day relates) he is, upon many accounts, more concerned than any that he knows of, Desires to take the Blame and shame of it, Asking pardon of men, And especially desiring prayers that God, who has an Unlimited Authority, would pardon that sin and all other his sins; personal and Relative: And according to his infinite Benignity, and Sovereignty, Not Visit the sin of him, or of any other, upon himself or any of his, nor upon the Land: But that He would powerfully defend him against all Temptations to Sin, for the future; and vouchsafe him the efficacious, saving Conduct of his Word and Spirit." — *Vol. I., p. 445.*

Chap. 55. This chapter is from archives, vol. 2, p. 583. It is recorded in council records, vol. VI., p. 503.

Ever since Phips forced the surrender of the fort at Port Royal, in 1690, this town and the adjacent territory had been under the dominion of England; but the recent successes of the French under d'Iberville and Villebon, mentioned in the note to chapter 21, *ante*, had left that distant port to the mercy of the forces of New France.* On the St. John, Villebon had a fortified retreat from which it was easy for him to make predatory excursions. He had also begun to build or repair another fortification at the mouth of the river, the materials for which Church had destroyed or carried away on his recent expedition, in which, also, he took several prisoners.

Villebon had the sympathy of the French inhabitants of Acadia, especially at Chignecto, where they were beyond doubt hostile to the English, although nominally subjects and under special protection of the king of England. These people had been despoiled of their church, their houses, barns and personal estate, by Major Church, upon his discovery of evidence of their holding correspondence with Frontenac.

After the unfortunate second expedition against Villebon, every effort was made to deprive the needy enemy of all supplies through New-England traders to Nova Scotia.

An act was passed declaring that "if any person be adherent to the king's enemies, giving them aid and comfort in the realm or elsewhere" he should be deemed guilty of high treason; and to prevent illegal traffic under cover of the license required by the act of the previous year and to stop furnishing the king's enemies with supplies, the vote which constitutes the present chapter was passed.

On the fifth of December the following vote was passed in Council :—

"Dec. 5, 1696. Voted That Elisha Hutchinson, John Phillips, and Eliakim Hutchinson Esq^{rs} be a Committee with such Gent^{en} as shall be Nominated by the House of Representatives to Consider of the State of the Inhabitants of Port Royall, and Other the Parts of Nova Scotia, And what is Necessary to be done with respects unto them, And to prevent any inconvenience or Detriment unto his Maj^{ties} Interests." — *Council Records, vol. VI., p. 494.*

No names of the members appointed by the House upon this committee have been discovered. On the eleventh they made their report which was read in the Council. What this report was does not appear, unless it was this chapter.

Chap. 56. This chapter which was one of the results of the controversy between the Lieutenant-Governor and the House of Representatives with regard to the payment of the volunteers under Major Church, as described in the note to chapter 59, *post*, is from archives, vol. 70, p. 326. It is recorded in council records, vol. VI., p. 504, in the form of an order, which was read, first, in the Council on the twelfth of December, and again on the fourteenth, when it was sent down to the House for concurrence, where it was concurred in on the eighteenth.

Until the passage of this chapter it seems to have been the exclusive function of the Executive to fix the wages of soldiers and seamen in actual service. A bill for this purpose was introduced at the second session of the Legislature of 1694, passed by the representatives and sent up to the Council for concurrence, where it proceeded to engrossment, but no further, owing, probably, to the objection of the Lieutenant-Governor, whose consent was withheld most likely because of his fear that such legislation would prove a dangerous encroachment upon the province of the Commander-in-chief.

* See notes to chapters 24, 35, and 46, *ante*.

† Province Laws, 1695-6, chapter 10.

The provisions of this abortive bill (which is given below) were essentially identical with those of the present chapter:—

“An Act For the Regulation and Stateing of Officers, Souldiers and Seamens wages and Vessells hire that are or may be Employed in their Majties Service

Be it Enacted by the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same That the wages or Pay to be allowed for all Officers and Souldiers that are or shall be Commissioned, or detached, and Employed in their Majties Service, shall be according to the respective Rates p week herein after mentioned and Set down & no other. That is to Say,

| | |
|--|--|
| For A Major. | Fifty Shillings |
| Captain of Foot. | Thirty Shillings |
| Lieutenant. | Fifteen Shillings |
| Ensigne. | Twelve Shillings |
| Sergeant. | Nine Shillings |
| Clerk. | Nine Shillings |
| Corporal. | Seven Shillings |
| Drum̄er | Seven Shillings. |
| Private Sentinel. | Six Shillings. |
| For a Captain of a Troop. | Forty Shillings: of Dragoons thirty five Shillings |
| Lieutenant | twenty five Shillings |
| Cornet | Twenty Shillings |
| Quarter Master | fifteen Shillings |
| Corporal | Twelve Shillings |
| Clerk | Twelve Shillings |
| Trumpeter | Twelve Shillings |
| Trooper | Ten Shillings |
| Dragoon | Eight Shillings.* |
| For a Chaplain | Twenty Shillings |
| Chyrurgion | Twenty Shillings |
| Chyrurgions Mate or Assistant. | Twelve Shillings .6 ^d |
| Commissary, being Comissioned | fifteen Shillings |
| Armourer finding his own Tools | Ten Shillings |
| [Sadler | Ten shillings]† |
| [Farrier | Ten Shillings]† |
| Land Pilot | fifteen Shillings |

And if any Officer above the degree of a Major be at any time employed, his pay shall be so much as shall be allowed by this Court and no more. All Substances and Ammunition to be provided and furnish^d out of their majties Stores without any deduction for the same Foot Souldiers to find their own Armes, or if otherwise Supplied to allow three pence p week for the use of the same, and to return them or pay the full value thereof, unless they are lost in Service, not thro^e carelesness to be deducted out of their wages. Troopers & Dragoons to find themselves Horse and Arin's.

And it is further Enacted by the Authority afores^d That when and so often as any Souldiers shall be detached or impressed for their majties Service, the major of the Regiment from whence they are drawn shall seasonably transmit unto the Commissioners of the War a List of their Names and of the Towns whereto they respectinly belong with the day of their detachment and Enttring into pay; As also an accompt of what is supplied to Each of them in Armes, Clothing or else to fit them out, to the intent the value thereof may be deducted out of their wages on behalfe of those by whome they were so furnished

And all Commissarys are hereby Ordered once a month at furthest as there may be opportunity to transmit unto the Commission^{rs} of the War an accot of what they have Supplied to each Souldier.

And it is further Enacted, That the seⁿal allowances and payments hereafter mentioned and no other be made for the charges and Services following, That is to Say, For Billeting of Souldiers, three shillings p week Each, If upon a march From place to place, two meales a day four pence Each or Eight pence p diem to y^e Souldier for his own Subsistance

For a Post, four pence p mile from the place whence he comes, unto the place sent to, he bearing his own charges for himselfe and horse.

For Ferrage of men and horses employed in their Majties Service; halfe y^e usual & Stated price.

For, a Carter, Cart and two horses, he finding himselfe and horses, five shillings p diem

For a horse at Grass — three pence a day and night

For a horse at hay & Provender. six pence a day and night.

For hire of baggage horse twelve pence p day.

For a horse impres't for a Post or other Special Service twelve pence p diem.

And Be it further Enacted by the Authority aforesaid That the Officers, Marrin^{rs} Seamen, Ships and other Vessells Employed in their Majties Service by Sea,† shall be paid according to y^e respective Rates p month hereafter following and no other

* Changed from “Seven Shillings. 6^d.”

† Cancelled in original manuscript.

‡ See resolves, 1695-6, chapter 64, and note.

| That is to Say, | <i>Per month</i> |
|---|----------------------------|
| For a Captain of a Ship above thirty Guns. | Eight pound |
| Captain of a ship or Vessell under thirty Guns, no Lieutenant, or Purser to be allowed | Seven pound |
| Master | four pound |
| Masters Mate and Pilot | forty two shillings. |
| Quarter Master 28s ^h * | Twenty Eight [a] Shillings |
| Boatswain | Forty shillings |
| Gunner | Forty Shillings |
| Carpenter | Forty Shillings |
| Chyrurgion | fifty Shillings |
| Chyrurgions Mate | Thirty Shillings |
| Purser & Steward | Thirty shillings† |
| Trumpeter 26* | Twenty Six [b] shillings |
| Cook 24* | Twenty four [c] shillings |
| Armourer finding his own tools over and above Seamans pay | Ten shillings |
| Able Seaman 24* | Twenty four [d] shillings |
| Ordinary Seaman 21* | Twenty four shillings |
| Boy | Ten Shillings |
| Master of a Tender or deck't vessell | Four pound |
| Master of an open Boat or sloop | Three pound |
| an able Seaman in an open Boat or sloop. | Thirty shillings |
| Pilot extraordinary in a ship of war of twenty Guns or upwards | £.3 : 17 : 6 |
| Pilot extra in a ship of war under 20. Guns | three pounds |

For a Ship of War taken up and fitted by the Owners as such, Ten Shillings p^r Tun a month, ye owner running ye Risque unless lost in fight

For Ships or other deckt Vessels for transportation or Tenders above Eighty Tuns, Seven shillings p^r Tun a month, under Eighty Tuns, Six shillings p^r Tun a month

For Open Sloops or Boats, five Shillings p^r Tun a month, the owner Running ye Risque

And ye Commissioners of War are Ordered to Subduct out of ye wages of all Officers, mariners, Seamen and Souldiers employed in their Maties Service, Six pence p^r month to ye publick towards ye charge of the Chaplain (where there is one abroad with them) & Six pence p^r month to ye publick towards ye charge of ye Chyrurgions Chest: And three pence on ye pound for all Debentures which they shall grant, the said Subduction of three pence on ye pound to accrue to the benefit of ye publick towards answering of ye charges upon ye same

the s^d Bill past as it is stated only the Last paragraph & to ye sadler & fairier nothing allowed Sept. 14th. 1694 past in the affirmative by the house of Representatives & sent up to his Excy & Council for consent.

NEHEMIAH JEWET Speaker

Sept. 19th 1694./.

Voted and past in Council, to be Engrossed.

ISA ADDINGTON Sec^ry." — *Mass.*

Archives, vol. 61, p. 527.

The present chapter was one of the measures of preparation to repel an invading force expected from Canada, which was to be supported by a powerful fleet to be sent out from France, and notice of the fitting out of which had been sent from Whitehall to Boston during the previous summer. Before this chapter was passed one more attempt was made to procure the enlistment of volunteers to proceed against the French on the river St. John, by the passage of the following vote, which, however, after being read and debated in the House, on the fifteenth, was in its imperfect state defeated by a negative vote: —

"That if any Sutable person or Persons shall present, that are willing to ingage in an expedition to St Johns; whome his Hon^r the L^t Gouver^r shall see Cause to Comission for that purpose; and there appear a Sutable number of voluntiers that are willing to ingage in Such a Service, for their encouragment in So noble an interprize it is prouided that there shall be vessells Ready By the first of march next to transport them thither; and that they be supplied with Provisions; amunition; Chyrurgions and Chaplaines at the Charge of ye Province; that ye Soldiers so listing them selues shall be Lyable to the Same Regulations and Commands, & Lyable to ye Same Punishments, as soldiers are, who are impresed; who for their incuragement; (Prouided they take the Fort at St Johns) shall haue all the Plunder (except stores of warr) to be diuided amongst them; and full pay out of the treasury of this Province from the time they imbarque till they are Discharged from Said Service; and as a further encouragment to prosecute the Said designe to effect, it is engaged that ye officers & soldiers shall Receiue out of ye treasury for every Great Gunn five pounds, for euery musquett or fuzie ten shillings, & for euery Barrell of powder five pounds; It is to be und." — *Ibid, vol. 70, p. 320.*

The conquest of Newfoundland by d'Iberville led the French to apprehend that the English would make extraordinary efforts to recover that island, and accordingly they redoubled their exertions to make their armament of corresponding magnitude. Hutchinson thus compactly describes the effect upon New England of these movements of the enemy: —

"The last year of the war proved more alarming to the province than any of the preceding years. An invasion was every day expected, for several weeks together; and news was brought to Boston, that a formidable French fleet had been seen upon the coast. It was indeed a very critical time, perhaps equal to that when the Duke d'Anville was with

* The amounts opposite were altered to agree with the figures, from the following amounts, respectively, originally put down: [a] thirty-eight [b] thirty-six [c] twenty-eight [d] twenty-eight. The pay of the purser and steward was originally set down at forty shillings.

† "Midshipman . . . Thirty shillings," follows in the original manuscript, but is cancelled.

a squadron at Chibuctou. The force, under the Duke, was superior, but the province, at that time, was in proportion stronger and better able to repel it. France expected that a very strong squadron would be sent from England to recover the ports in Newfoundland, which Iberville had taken the last year. Great preparations were therefore made, to defeat such squadron, and, after that, or in case it should not proceed, then to lay waste the English colonies. Frontenac the governor of Canada, upon whom great dependance had always deservedly been placed, had orders to raise 1500 men, prepared to march upon short warning; but, at this time, the service for which they were intended was not communicated. He made provision accordingly, and they would have been all ready upon eight days notice. The remembrance of this danger is lost in New-England." — *Hist. of Mass.*, ed. 1767, vol. 2, pp. 101, 102.

The plans of the French, which included the extirpation of the English from North America and the destruction of Boston and New York, were frustrated by the utter failure of this attempt.*

Chap. 57. This chapter is from archives, vol. 40, p. 437. It is recorded in council records, vol. VI., p. 505.

The memorials of the ministers referred to were three in number. The first two, which were presented to the Assembly at the first session in 1694, were as follows:—

“A MEMORIAL

Humbly offered unto His Excellency

The Governour & y^e Generall Assembly of y^e Province of y^e Masachuset-Bay,
Convened At Boston May 30. 1694

By Many Ministers of y^e Gospel, In y^e said Province,
then Meeting In Boston.

I. Inasmuch as destitute Churches are plunged into Extreame Difficultys in their Election & settlement of Ministers by y^e Opposition w^e their Acts find from y^e Non-concurrence of y^e other Inhabitants in their Townes, It is requested that y^e Late Act of y^e Generall Court refering thereunto, may be Explained, with an Additionall Clause, Declaring, what shall bee done by Churches, In Case y^e other Inhabitants in a Towne oppose their Acts in y^e Calling of a Minister, without giuing satisfactory Reasons for their Non-concurrence? & It is propounded y^t in this Case y^e Ch^{ur}ch with y^e Inhabitants shall & may call In y^e help of a Council, consisting of y^e Elder[st] & Messengers of three or more Ch^{ur}ches who shall bee & are hereby Empowered to Hear Examine & Consider y^e Exceptions & Allegations made by y^e Inhabitants against y^e Ch^{ur}ches Election, & in Ca[st] y^e Council see not just cause to approne y^e Non-concurrence of y^e Inhabitants, the person Nominated & Chosen by y^e Church (being approued by y^e Council) accepting thereof, & settling with the[m]t shall bee their Minister & in all respects provided for as in y^e said Act is Expressed; & y^e Char[get] arising for Entertainem^t of said Council, shall bee paid, by a Levy made upon y^e who[let] place, both Ch^{ur}ch & Inhabitants.

II. It is Desired That y^e wel-knowne Discouragem^t upon y^e endeavours of many masters [to] Christianize their slaues, may be removed by a Law which may take away all pre[text] to Release from just servitnde, by receining of Baptisme.

III. With a Law for y^e due punishm^t of Polygamy & Adultery, It is very Necessary, that there should alsoe bee a Law, enacted against Incest & Incestuous Marriages, Conformable to y^e Lawes of Nature, Of scripture, & of y^e English Nation; To prevent those Abominable Confusions; for which Defiled Lands, doe vomit out their Inhabitants: And this wee y^e rather menti[on] because (with greife of heart & Astonishm^t wee speak it) wee vnderstand y^t all these thin[gs] are now found In y^e midst of New-England.

IV. It is to be wished that more particular Lawes may be made Against Fortune-Tellers & against all y^e various Kinds of Sorcery whereby many people Deny & provoke y^e God [off] Heaven, & Invite y^e Evill Angels to make their wofull Descents among us.

V. Whereas former Essayes to Recover the Countrey from its Lamentable Degeneracyes & Particularly y^e Lawes formerly sharpened against provoking Evills, Haue not seen [y^et] successe y^t would haue been of comfortable Expectation, & where as one of y^e most Ruining miscarriages whereby noe lesse yⁿ y^e death of Religion & of all order Civill & sacred, is threatned unto us, is y^e Liberty taken by Towne Dwellers to mispend their Time in Tavernes which are places properly & honestly designed, but for y^e Accommodation of Travellers: It is most earnestly pray^d That some effectuall check may be giuen unto this way of sinning; It is therefore proposed That according to [t] or two Severall Expresses & wholsome statutes of England, It may be [t] Criminall for any person to resort for Drinking unto any Taverne, or Ale-hou[set] within y^e precincts of y^e Towne whereto hee belongs; only allowing what moderate Relaxation from y^e severity of such a law, may be Judged necessary for Boston, & (it may bee) two or three more sea ports of y^e province. And y^t notwithstanding whatev[er] Temptations there may bee from a worldly Interest unto y^e Contrary, y^e Law may be fra[med] without any such Ambiguities of Expression as may become a snare to officers, a sc[orn] to offenders & a disappointment unto y^e Designe of (Thereby) saving y^e Land from y^e vniversall Flood of wickednesse & even of Blood-guiltinesse itselfe w^e hasse aris[en] from y^t want of Restraint upon Drinking-Houses which ha's been y^e Sorrow & Horrour of all well-wishers to our needfull Reformation.

That y^e Sense w^e wee haue of this Last Article might bee more fully expressed we haue Concurred unto a Larger Adresse wherein wee haue Laid open y^e Great Importance of y^e matter." — *Mass. Archives*, vol. 11, p. 79.

“To his Excellency y^e Gov^r Wth y^e Honor^d Gen^l Court now Assembled
& sitting, in Boston, this 30th of may: 1694: the humble & most earnest
Address of y^e M^{rs} of severall ch^{ur}ches, within Province; humbly p^{re}sented:

Right Honorable & much Honor^d:

Wee being very solemnly & sadly, sensible of y^e declining, decaying, (if not) dying

* An account of this failure is given by Charlevoix (Shea's translation), vol. V., pp. 70–72.

† Manuscript mutilated.

state of Religion respecting both ye sincere profession & practice of it, as well as all ye interests & concernm^{ts} of it, in or ch^{rs}es & wth our people; and that vnder ye p^rvayling power, of ye great & manyfold sins of ye times, growing more & more generall powerfull, & (wee feare) p^aenall & judicⁱall, with a very dangerous tendency, to a generall, totall degeneracy & apostacy (if not) of the p^rsent, yet of, ye rising, & succeeding, generations; And further considering, how much & how long, or gracious God hath with, infinite, longsuffering bin labouring with us, by his word & works, & by his holy spirit in both; to reduce & reclaime us vnto himselve; trying & proving of us both by mercys & Judgm^{ts}, to see & to know what is in o^r hearts; whether wee will repent & reforme, & keep his com^andm^{ts} yea or no; And withall calling to minde, what generall publiq; assays, have bin, made unto reformation, by publiq; Authoritie in Gen^l Court, passing & publishing in print, those laws. entituled laws for ye reformation of provoking evils; at their session, 13th oet: 75: as also afterward calling; & convening, ye ch^{rs}es in a Synod; to make more full discovery of ye particular causes of Gods controversy & to determine & p^pose, ye most necessary & effectuall means of reformation; both Court & ch^{rs}es exactly agreeing in both; (as by compareing will appeare: And now after all this, Observing, that all those provoking evils, not only remaine, but are more & more multiplyed, & aggravated, vnto an higher degree, both of transgression & provocation, than ever before; and that wee have dealt very falsly & vnfaythfully; with ye Lord o^r God in all o^r past transactions with him, in our times & eases of greatest extremitie; & y^t notwithstanding, all o^r publiq; confessions, wth utmost expressions of a most deep & humbling sence, of o^r own sins & of Gods wrath; & of o^r p^rsent absolute necessitie, of reforming those evils p^hibited, & p^forming those dutys p^rscribed, & y^r vpon perill of o^r own destruction if wee did not; Yea & notwithstanding, ye express protestations of o^r resolutions; & ye sacred obligations w^{ch}, many of ye ch^{rs}es, have, by covenant ingagements vnto God in most solemn manner, lajd themselves under, so to doe; All w^{ch} remaining vpon publiq; record, before God & the world as a testimony against us;

These things considered, & (wee hope) deeply resented & layd to heart by us, wee are moved to make this applycation to your selves Humbly & earnestly praying, that that* those fore mentioned laws may be revised, & such of them as may bee thought agreeable with our p^rsent constitution, practic^able, & capable of effectuall, improv^mt unto the suppression of sin, may be revived, & past into laws: & such other made as your wisdom may direct vnto that great end; And y^t civill authoritie, as it is vested, in all persons of publiq; place & trust, in every order, may be soe vigorously, exerted & exercised, as y^t it may give life to those, laws; & motion, to ye worke of reformation, & may fully evidenee, a spirit of Zeal courage & resolution for God in w^hsoever ought, may or can possibly bee, done by civill authoritie, to suppress sin, p^pagate religion, & p^rvent apostacy.

And although, worldlynness, in ye spirit of it, in all the lusts, temptations & wayes of it; hath bin from our very begining, testified & cryed agst. by ye word of ye Lord, as ye originall, radicall, capitall sin, of New England, wherby our heart hath bin soe much withdrawn from God, from his word, worship, worke, covenant, cause & interest; & so from our whole Religion by an heart apostacy: the interest of w^{ch} is become so generall, & powerfull, & ye working of it so naturall & insensible y^t ye reformation of it becomes impracticable & impossible by law: Yet notwithstanding, ye more gross out breakings of this sin of worldlynness, in prophaness, & sensualitie, more especially in yt most notorious, scandalous, way of drinking & company keeping, in Taverns & Alehouses; wee hope may be yet restrained & &* reformed by law;

Be pleased therefore, wee pray you to take notice; that the thing w^{ch} wee, more, particularly designe & desire to obtaine by, this our Address, it is; That it may be againe inacted into a Law That All Ordinarys, & licensed houses, may be reduced & regulated, in their improv^mt to ye entertainm^t of Travellers & strangers, Only; & that all, Town dwellers, be expressly p^hibited drinking in them, at any time vpon any occasion; which wee pray may be past in such strict & severe forme, respecting both ye letter & sence of it, as that no subterfuge may be found, by any latitude or ambignitie of expression; from ye prohibition & restriction of it; for it appears by wofull experience, y^t it is become impossible to regulate or restraine those multitudes w^{ch} are given to drinking; Otherwise than by shutting vp the doores of such houses agst them. A lax law, admitting of any liberty. at any time, vpon any occasion, in this case; becomes a meer scorne to drinkers, & a snare unto all officers concerned in ye prosecution of it; and is soe farre from being any meanes for ye suppression of the sin. y^t it becomes ye occasion of ye higher aggravation of it by p^rsumption. This wee propose, on behalfe of all ye country Towns, in ye Province; Withall acknowledging y^e relaxation, of the severitie of such a law, may be necessary for Boston, & one or two other common Ports of the, country; Yet praying also, that there may bee a diminution of those houses, as far as ye necessitie of affairs will admit, and a more strict regulation of them, in their improv^mt even in those Towns also; as for all other, the full restraint, of such a law, is not only tollerable, but will bee most beneficiall, & absolutely necessary for the prevention of most intollarable abuses; to drinking &c—: Wee are ye more importune, in this frō ye consideration of ye fatall & lamentable effects of this way of sinning, considering how many p^sons have bin totally debauch^t & &* destroyd, body & soule, by drinke, how many professors have bin utterly blasted by it, sunk into & perish^t in gross & open apostacy. How many ffamylys, have bin ruined by it, (not only) as to subsistance, but (more wofully) as, to ffamly worship, w^{ch} (through drinking in Alehouses) is too often either totally neglected, or else horribly p^phaned in ye p^formence of it, & will bee (we feare) in process of time, & of this sin, by too many quite east off; & thrust out of doores Whence, ffamly order & govern^mt is vtterly destroyed; Also how much ch^{rs}es are corrupted, defiled & filled with gross scandal by it, not able to cleere & purge themselves from ye guilt & fylth of it; Consequently how much the, worke of conversion & edification is hindered by it; nothing making people more, secure, senceless, supine, stupid sottish & vnprofitable, under ye M^{ty} of ye word & ye

means of grace, & more careless & vnconcerned about their souls & their salvation; than drinke & drinking: it takes away the heart, destroys all sence of religion; Hence further, how much it doth deprave & vitiate; ye rising generations with all kinde of prophaneſſe, & initiate them in their very youth, into ye most dangerous & destructive wayes of it in company keeping. wth vain, corrupt, fylthy, communication, cursing, swearing, wantonness, lasciviousness, uncleanness, gaming, Idleness, mispence of precious time rebellion agst parents, masters, & all good government; whereby all hope of good education, civill or religious fayleth more & more in too many places of ye coutry; ye very spirit of ye generation, strongly inclined to an utter degeneracy by this way of sinning; so yt it appears to bee utterly inconsistent, with ye being, life, & continuance of true religion, & is the shame & scandal of ye professors & P^rfession of it;

Wee are sensible, y^t ye worldly interest, of ye Trade of drinke, doth, bespeake, too much, indulgence, vnto this way of sinning, & make it soe difficult, to provide & proceed, in good earnest & effectually by law agst: it, w^{ch} still lyes, & wee feare may remaine, as an insuperable obstruction vnto a thorough reformation, of this, (hithervnto) incorrigible & incurable evill; Vnless that interest bee soe farr deserted; that trade soe farr retrenched, & soe regulated; as yt it may noe more prove soe destructive unto us, as it hath done; W^{ch} appeare, by ye vnaccountable irreparable damage; wee have brought vpon o^r selves our ciues o^r Religion, in all ye forementioned respects; & y^t without any true gaine to ye publiq; thereby: More especially In that, It hath been, this vnhappy trade of drinke that hath much hindered the worke, of God among the poore Natives, In as much as, It is this Trade of drinke in Alehouses & in other both private & publiq; wayes: w^{ch} hath not only diverted, them from religion; but intoxicated them, vnto, much blondshed, & barbarous murthers, among themselves; & also unto those bloody outrages comitted vpon o^r people, not only in the former, but more, especially, in this last Eastern warre; Their triumphs over such persons, & places, by whome & where, they had bin, most abused, by this Trade of drinke doth testify it to ye shame & confusion of o^r faces; It is therefore a fearfull Question, whether our Land hath not bin polluted with blond; & whether God hath not thereupon, bin pleading agst: us by blond; of w^{ch}, ye desolation of yt whole Province is a deplorable instance,

Right Honorable & much Honord Let it not (wee pray you) seem strang vnto you, y^t wee express so great a concerne, in a matter, w^{ch} may seem to others but of little concernmt; Towndwellers drinking in their Town Ordinarys, being soe common & customary, & accounted a matter of lawfull liberty & thence pleading inocency; it may be thought unreasonable, so strictly to inhibit it; but; *licitis perimus omnes* had wee not, seen it impossible, to regulate ye vse of it, or to prevent ye destructive abuses of it beforementioned, wee should have bin silent.

Wee plead not our* own cause or P^rsonall interest; but ye interest of God, of o^r Lord ch^rt of his ciues. of Religion & of the whole worke of Reformation, & of the publiq; weale of o^r people, in all ye respects of it; w^{ch} cannot bee recovered nor secured, much lesse P^rmotod & advanced, except y^e spirit of prophaneſſe bee suppressed; w^{ch} can never bee, except this most generall powerfull way of ye working of it be not first fully restrained, by law, effectually P^rseecuted to y^t end because, therin, all temptations, occasions, advantages, to all other ways of P^rphaness, doe ly, & P^rphane P^rsons heightened & hardened in them; And wee humbly take leave to say y^t wee beleive y^r is power wth your selves in this way so to restraine it, & yt you are extraordinarily concerned at this time to secure ye Governmt & all ye good people of ye land from guilt, & ye further excecutions of divine wrath, by the utmost improvmt of y^t power, & Authoritie w^{ch} God hath betruſted you withall, for y^e furtherance of this, & all other parts of ye, worke of Reformation; w^{ch} wee beseech God by his spirit to direct & assist you in, w^{ch} if hee hath mercy vpon his people hee will doe. Yet however God shall in his sovereignty order events. wee humbly hope, yt our sincere desire hereby faythfully to discharg ye trust which God hath reposed in us as his watchmen; will bee accepted by him as a publiq; Testimony & warning given in his name & feare, whereby hee hath P^rmisid wee shall deliver o^r own soules in the evill day; w^{ch} yet wee pray may be superseded, by ye reformation & salvation of o^r ciues & people, & that by your meanes, Yet not by might nor by power but by ye spirit of ye Lord of hosts." — *Ibid.*, p. 80.

At the same session a bill† against adultery and polygamy was enacted; and in the October session a bill for the more effectual suppressing of unlicensed houses was prepared, read and debated in the Council, and, after an addition had been made thereto, it was passed and sent down to the House. No further response to these memorials has been discovered until the subject was again taken up by the Legislature this year upon the following memorial: —

"A Memoriall To y^e Great & Generall Court Of Massachusetts Bay offered in y^e name & behalfe of y^e ministers of y^e Province, y^t mett At Boston May. 27. 1696. By their Committees.

Humble & much Hon^d Gentlemen,

That we insist upon it, as our undoubted right, & very great Priviledge, as Englishmen, to apply to y^e Supreme Court, in y^e Land; as it cannot be Criminall, since y^e Authority of our nation (at y^e accession of y^er Majestys to y^e Throne) Declared it to be y^e right of y^e subject to petition even y^e King himselſe, soe at y^e Time, wee Judge it necessary (wee having an Arrand on y^e behalfe of his Ministers, from y^e King of Kings hims. altho unworthy to be called His Ambassadors unto you.) We finding our selues & our whole order, too weak to repair y^e Ruines of Religion among our selues & People, & to effect, y^t thorow & Generall Reformation, w^{ch} You haue Declared to us in Your Proclamation of March. 13. 1689/90 to be y^e only meanes to prevent Seaven fold worse Judgem^{ts} & Ruines y^a any y^t yet haue come upon Us; Haue y^erfore, from Time to time successfully Addressed Authority (not without scripture Patterne for it) y^t unto our poor Testimonys against Atheisme & Irreligion, blasphemy, Cursing profane swearing, Sabbath breaking,

* *Sic.*

† Province Laws, 1694-5, chapter 5.

Pride, Rebellion, extravagancys & excesses in meats drinks & vain Apparel, Contentiousnesse, Ill language, unrighteous & Injurious Dealings, Idlenesse Drunkenesse, Uncleanesse of all sorts, with other vices & all y^e enticem^{ts} & nurserys thereof; You might adde y^e edge of y^e Civil sword, as an ordinance of God to be improved for y^e Cutting off such provoking & yet much abounding Impietyes & immoralities. Yet to our Greife, beholding Iniquity to Increase, & y^e Land still to ly bleeding vnder fresh stroakes of Divine Jndgem, / we accounted it our duty to quicken one another unto utmost endeavours in y^e name & strength of our Lord Jesus Christ, for y^e removall of whatsoever remains matter of provocation in y^e Land; we alsoe thought it necessary, humbly to implore y^s great Court, y^t if any thing farther can be done by your Authority (as we beleive in God y^e may) you would leaue nothing unattempted: Least otherwise we filling up our measure of Iniquity: by y^e wrath of y^e Lord of hosts against us, y^e times be changed, & y^e by our Condition be rendred utterly hopelesse & desperate. We therefore humbly Propose it to your hon^{rs} y^t a Committee of y^s Court may be appointed to consider y^e Locall laws y^t in y^e daves of our Distresse were enacted, in particular those in y^e year 79. & .80. & y^t such of y^m, as may bee usefull for our Reformation, y^t as yet haue not been hitherto, may now be invigorated by your Authority; we pray alsoe y^t y^e Adresse Presented by y^e Ministers Anno 1694. may be once more (at least by y^{or} said Committee) distinctly read, & thoroughly considered; together with y^e result of y^e Synod Anno 1679/80. & Partieu- larly we humbly propose y^t (as to y^er number) houses for y^e retaile of strong drink may be limited by law, & made as few as may be, & y^t noe Certificate from select men should be accepted to make a man capable of Licence, except it expresseth y^t y^e man is a man of Integrity, honesty walking (as to what appeares) with all Good Conscience towards God & all men. We could be Glad y^t none might set & abide in such houses, but strangers only, However we pray y^t Young Men & Maids, y^t Children & servants, might be totally inhibited tipling in y^er owne towne publiq; houses by law. As for eating & drinking (saith y^e Apostle) haue you not your owne houses? from which He prohibitts them to remove, though it were to hold y^r Love feasts in the House of God; & What else would He have said to Christians now; but, What have you not Yo^r own houses to drink in & Why will you drink in Ordinarys? and Insnare yo^rselves? You cannot possibly be insen- sible that to multiply ordinarys above w^t is needfull, is to introduce an excesse unto Abuse, To make Provision for the flesh to fulfill the Lusts Thereoff, To putt a stumbling block & occasion to fall in y^e Way of y^e Blind, To cause the Land to fall to drinking, & there will be at length, we fear, Like People, Like Preist, And as to Wine the very Nazarites will be given to drink it? and what shall we doe in the end thereof? and if six or seaven hun- dred Children and servants (and indeed excessive wages tempts many, to serve in such houses) be annually bred up in seing and hearing the ungodly deeds of y^e Wicked, that frequent such houses & are trayned up in a Way that they will not forsake when they are old! What an extensive Ruine will hence spread itself upon the rising Generation and how can or will the means of Grace profit them at all? Why should some small Towns have no lesse than six Taverns & in ten miles Riding, Ten open houses be allowed? But It is the Ungainsayable importunity of some Poor People & their Freinds & the weaknesse of some Select Towns men that have Poured out this vial of Mischeif upon the Land: For sundry of our worthy Justices in the Generall Court in 1694, Made a good Motion (& the Proverb saith) No Good Motion can dy in Parliament) To stint the number of Taverns by Law. And It was so done, under the former Governm^t: See March Sessions 1680: p. 83. & October Sessions: 1679. p. 71. section. 2. Very excellent Laws; And Yo^r Comi- tees of both Houses (Anno 1694 *supradicto*) Prepared an Act accordingly which Passed the Representatives & we intreat may be again Considered. And hath not this, Our honorable & much honoured Patriotts been the Word of the Lord unto You by the Mouth of all His servants the Prophetts, from the Year 1679 unto this Day: Wee know there are many objections But we rememb^r that when the King s^d 2 Chron. 25. 8, 9. But what shall we doe for the hundred Talents The man of God answered, The Lord is able to Give Thee much more than this. But to adde No More, We sadly fear that if You Lend us not au helping hand in this as well as in other Matters, Your oth^r endeavors and ours also will be utterly unsuccessfull for a Generall Reformation. Pardon our Boldnesse and Bear with us we beseech You for the Lords sake, if Wee (who are most unworthy) become Yours who are even the LORD's Remembrancers. Yo^r humble servants

June. 12. 1696.

MOSES FISKE }
PETER THACHER } Committees." — *Ibid.*,
JOHN DANFORTH }

p. 103.

The report of the committee appointed by this chapter is given in the note to chapter 78, *post*.

. On the day after the passage of this chapter "an act* to supply the defect in the law referring to the choice and power of tythingmen, enacted at the session of the General Court in February, anno 1693," was passed.

Chap. 58. This chapter is from council records, vol. VI., p. 506, and archives, vol. 11, p. 123.

Chap. 59. This chapter is from archives, vol. 70, p. 325. It is recorded in council records, vol. VI., p. 506.

The loss of the House Journals for this period prevents the removal of some obscurity concerning the controversy which ended in the passage of this chapter. It would appear, however, that the order in Council, passed October 29, 1696, was, in the judgment of the representatives, not strictly conformable to the law in regard to draughts upon the prov- ince treasury, since it required the treasurer to pay, in advance, to the commissioners for

* Province Laws, 1696, chapter 15.

the war, a lump sum to defray the expenses of the expedition to the river St. John in which Major Church's command bore so important a part. This order is as follows:—

"Oct. 29, 1696. Pursuant to the Act for granting unto his Majty a Tax upon Polls and Estates, and the Act for reviving and continuing of the Duties of Impost, Excise and Tunnage of Shipping, made and passed at the Session of the General Assembly in May last, amongst other things applied to the prosecution of the War, Repairs of the Castle &c."

Ordered. That Mr Treasurer do advance and pay into the hands of John Walley Esqre Commissioner for War, the sum of eight hundred pounds, to be employed for the answering and satisfying of such Disbursements and Debts, as he has made and contracted for the setting forth of the late Expedition to St John's River, Provisions for the subsistence of the Forces therein, and at the several Garrisons within the Province, Repairs of the Castle, Ammunition and other Expences for his Majty's service, said Walley to be accomptable for his disposal thereof accordingly.

WM STOUGHTON." — *Executive Records of the Council*, vol. 2, p. 425.

From Church's account of the action of the House it also appears probable that the representatives and the Commander-in-chief disagreed respecting the compensation to which Church's volunteers were entitled under the law. As has been said in the note to chapter 56, *ante*, the wages of soldiers and seamen in actual service before the passage of that chapter had been fixed by the Executive, and there is good ground for the surmise that it was plausibly argued that chapter 24, *ante*, under which Church enlisted his volunteers, established a new rule of compensation for them, and that they were to be allowed the "accustomed wages" paid to impressed soldiers, only while they were actually pursuing or fighting the enemy. That the representatives were unwilling to pay as much as the soldiers had been led to believe they should receive is inferrible not only from Church's declaration but from the action of the House.

The account which the province treasurer this year exhibited to the House embraced, among other similar entries of gross amounts, a payment in accordance with the above order of the Council to the committee on the war. Thereupon the House voted as follows:—

"Novr 24th 1696. In the House of Representatives.

Voted. That this House do humbly move His Honr the Lt Governor and Council that no further payments be made on the Account of the late Expeditions under the Command of Col^d Gedney Col^d Hathorne or Majr Church, until this House be better satisfied therein.

PENN TOWNSEND Speaker." — *Mass.*

Archives, vol. 70, p. 315.

It would seem that, notwithstanding the above vote, Walley continued to pay, out of the sum which by an order in Council he had been authorized to draw from the province treasury, the debentures regularly issued for the wages of soldiers and seamen who had served in the above-named expeditions. This was resented by the House as an unconstitutional proceeding, and the representatives expressed their dissent in the following vote in which the Council were asked to concur:—

"Whereas in an Act Entituled; An addition to ye Act for setting forth Generall Priviledges;

It is provided; that no money may or ought to be drawn or Paid out of ye publick Treasury of this Province, but by Warrant or order of ye Gouernr with ye Advice and Consent of ye Councill for ye time being, expressing Perticulerly, the Act by wch ye Said money was Raised; and for what Perticuler Service the Same is designed, and to be applyed pursuant to ye Said Act, or Acts; and it appearing by the Treasurers Acco^{ts} now Lyeing before this house that Great Summes of money have Issued out of the Treasury for ye Payment of ye officers and Soldiers, who went uolunteers in a Late Expedition Eastward undr the Command of Major Benja Church; and the Treasurer not haneing any Ord^r from his Honr the Lt Gouernr with Consent of his Councill for said Payments pursuant to ye Said Act; and the Act incourageing the said expedition under ye Command of Major Benja Church not haneing bin Attended in makeing ye Sd Payments.

Voted that the Said Payments are Illegall & In wroung of ye Person that hath presumed so to doe Contrary to his Duty & the Law of this Prouinee

In the House of Representatives Novr 27th 1696.

Voted, and sent up to the Lt Govr & Council for Concurrence

PENN TOWNSEND Speakr." — *Ibid.*, p. 316.

Whatever ground there may have been for supposing that the volunteers under Major Church had enlisted without the expectation or promise of any other compensation than had been provided by chapter 24 of the resolves of this year, there was clearly no reason for denying full pay to the soldiers impressed for the later expedition under Lieutenant-Colonel Hathorne. Accordingly, the House voted to except the latter from the operation of their previous votes, as follows:—

"Novr 28th 1696. In the House of Representatives.

Voted. That the two Companys of Souldiers impressed and sent to St Johns under y^e Command of Col^d Hathorne; be paid their Debentures.

Sent up for Concurrence.

PENN TOWNSEND Speaker." — *Ibid.*, p. 319.

This money, which had been actually disbursed by the committee on the war out of the gross sum paid to them by the treasurer upon the foregoing order in Council, had been paid to soldiers and seamen after the usual rate of compensation of men enlisted in the military and naval service of the province. There was still due an equal amount, at the same rate and to the same persons, on debentures issued by the proper committee.

After prolonged debate on the question of discriminating against Church's volunteers in the matter of wages, and the two branches not agreeing, a conference was had on the eighth

of December. The result of the conference was the passage of this chapter and of chapter 56, *ante*, establishing the rate of wages of soldiers and seamen for the future. The following is Church's account of the action of the House and of the means taken by the Lieutenant-Governor to induce that body to pass this chapter: —

" . . . After all their hard Service both Night & Day, the Government took away all the great Guns, and Warlike Stores, and gave them not a Penny for them, (except it was some Powder, and that they gave what they pleas'd for it) and beside the Assembly past a Vote that they should have but half pay. But his Honour the Lient. Governour being much disturb'd at their so doing went in to the Town-House where the Representatives were sitting, and told them except they did Re-assume that Vote, which was to cut Maj. Church and his Forces off half their pay, they should sit there till the next Spring. Whereupon it was Re-assumed: So that they had just their bare Wages. But as yet never had any Allowance for the great Guns and Stores; neither has Maj Church had any Allowance for all his Travel and great Expences in Raising the said Forces Volunteers." — *History of Eastern Expeditions, vol. II, pp. 127, 128.*

The order in Council passed for the final adjustment and payment of the debts incurred, and to be incurred, on account of the war was as follows: —

" Dec. 19, 1696. Whereas the Duties of Impost, Excise and Tunnage of shipping granted and continued by the General Assembly at their Session begun the 27th day of May last past, amongst other things are applied for the more effectual prosecuting the present War against the French and other his Majestys Enemies, and the Taxes upon Polls and Estates granted unto his Majty at the said Session of the General Assembly, & also at their sitting by adjournment the 18th day of November following, amongst o her things. are applied for support of the Garrison at his Majty's Castle upon Castle Island near Boston, for the subsistence and paying of Wages to Seamen and Souldiers and Vessels hire that have been, are or shall be employed in his Majty's service for the defence of this his Province, and a vigorous prosecution of the War against his Majty's Enemies.

Pursuant therefore to the Acts for reviving and continuing the said Duties of Impost, Excise and Tunnage of Shipping, and for the granting of the said Taxes upon Polls and Estates.

Ordered: That John Walley Esqre and Captn Ephraim Savage the Committee for Debentures do adjust and state the Accompts of Officers, Souldiers and Seamens wages & vessells hire, that have been, are or shall be taken up and employed in his Majty's service, and for subsistances and other Charges and Services, according to the Establishment and Regulation of the same made by the General Assembly, & the accompts of Commissaries and others for Provisions, Cloathing and other Stores to them committed, and likewise the Accompts of the Officers and Souldiers Wages at his Majty's Castle aforesd and of their subsistence; and grant Debentures upon the Treasurer for payment of what they shall find due upon their examining and stating of the said accompts as aforesd.

And it is further Ordered: That Mr Treasurer do accept all such Debentures that are or from time to time shall be drawn upon him by the said Committee for any of the services aforesaid, and make payment of the sums of money therein respectively mentioned and expressed to be due, pursuant to the aforesaid Acts.

WM STOUGHTON." — *Exec-*

utive Records of the Council, vol. 2, p. 431.

On the eighth of December the Council had voted that Gedney and Hathorne be allowed fifteen pounds and thirty pounds, respectively, for their services as commanders of the expeditions to York and the river St. John. The House nonconcurred in these votes on the ninth; but the ground of objection does not appear. Possibly, the representatives argued that inasmuch as both of these officers were members of the Council, and entitled to pay in that capacity, further compensation was excessive. However, after the passage of chapter 56, of this year, which fixed the rate of pay of officers as high in rank as major, their pay became solely a matter of computation for the commissioner for war. By the province treasurer's account (May 22, 1697-May 30, 1698) it appears that Hathorne (besides six pounds "for several expenses and disbursements by him" on the same occasion) received seventeen pounds ten shillings "for serving his majesty in an expedition eastward to St. John anno 1696." No payment, however, to Gedney, on account of military services or expenses, save £13 5s. 2d. "for a chest of medicines for his majesty's service under Major March," has been discovered.

In the treasurer's account as finally stated and approved, the charges formerly made in gross were divided into specific items in strict conformity to the law — a rule which was afterwards followed with greater strictness.

Chap. 60. This chapter is from council records, vol. VI., p 506. It is preserved in archives, vol. 48, p. 267.

The order in Council* for the payment of this allowance was passed January 21, 1696-7, and the treasurer credited himself with the payment in his account.†

Besides the above order the Council‡ passed another, October 15, 1696, for the payment to the Secretary, from the province treasury, of £62 4s. for fees accrued to him by virtue of his office.

Chap. 61. This chapter is from council records, vol. VI., p 507. It has not been found in the archives.

The circumstances under which the Legislature of 1694-5 passed the vote obliging the town of Dartmouth to pay a part of the amount of uncollected rates in the hands of two tax collectors have been shown in the note to the chapter§ in which that vote appears.

* Executive Records of the Council, vol. 2, p. 440.

† Mass. Archives, vol. 122, p. 102.

‡ Executive Records of the Council, vol. 2, p. 420.

§ Resolves, 1694-5, chapter 35.

It was there said that the town subsequently sought relief from this vote. The petition in which the selectmen of the town applied for this relief was as follows:—

“To the Great and General Court or Assembly of their majesties prouine of the massachusetts Bay in new England to be holden at Boston the last Tusday of this Instant february

The petion of the Inhabetance of the Towne of Dartmouth in the county of Bristol Humbly sheweth:

that notwithstanding there haue ben diuers great and heauy taxes of leat Required of us wherby many of your petioners haue ben greatly straightened to procuer money to pay their proportions of the same yet we haue with out any gainsaying Redily complied thereto concluding that these troublesome times of warr may call for great and unauoidable exspences but that which semes more straing and hard for us to comply with: is a warrant sent of leat by Mr James Taylor General treasurer to our Assessors Requiering them to assess on us the sume of eleuen pounds eight shillings and ten pence which James Samson and lettes Jeney leat constables of our Towne say they are unable to pay: but and if it may excense constables after they haue goten A Towns moneys in their hands to say they are unable to pay we doubt that it may create a bad president for the futer: but that James Samson should giue such an account is uery straing to us for he being concerned in the gathering of the Canany* Rate the which many of us did for good Reasons as we thought scruple to pay and therefore had our estats seased by said Samson and considerabl sumes more then we were Rated taken from us the which we haue not had again and that we should be now Rated to pay other mens proportions of said Rate semes uery hard: and for lettis Jeney and if there be any thing behind of the Rate that he was concerned with we haue no Reason to thinke but that if he had ben so diligent as he ought to haue ben he mought haue had it all in dwe time but we haueing payed to that Rate each of us twenty shillings for our own heads know no Reason why we should be foersed to pay for other persons

these things considered we can by no meanes be willing that our assessors doe assess the samst†: and therefore pray that your honours will be pleased to consider the premises and to Remite the said sume: the which shall oblige us to Remain your dutyfull petioners to serue you in all Reasonable demands

by order of the Towne

Dartmouth february the: 16: 1694/5:

ABRAHAM TUCKER

GEORG CADMAN

THOMAS TABER

Select men.” — *Mass.*

Archives, vol. 113, p. 106.

On the fifth of March, 1694-5, this petition, together with similar complaints from other towns, was referred to a committee, by an order, of which the following is an extract:—

“March 5, 1694-5. Whereas . . . it being represented on behalf of the Town of Dartmouth, That James Sampson, and Lettis Jenney late Constables in said Town thro misinformation by them given have obtained an Order for Abatement of some part of the publick Assessment committed unto them, and which they have Actually Collected or might have so done, and Yet rendred it unfeasable to be gathered, And thereby drawn the burden thereof upon the Town . . .

Ordered That the Selectmen of the said several Towns & Constables respectively do attend John Saffin, John Brown, & Thomas Leonard Esq^{rs} who are hereby Nominated, and Appointed a Co^mittee to enquire, and hear what the Said Towns or Constables have to say and offer for themselves relating to the Premisses, And to report what they find therein into the next General Assembly, that so right may be done, Mr Saffin to Appoint time, and place for meeting of the said Co^mittee, And all process against any of the said Officers is hereby Suspended until the end of the next Sessions of the General Assembly.” — *Council Records, vol. VI., p. 383.*

The House had previously passed an order‡ for a hearing, forthwith, before the General Court, of the constables, Samson and Jenery, and one or more of the selectmen; but the Council appear not to have concurred in this order.

No trace of further legislative action upon the matter has been discovered until the third session of the Legislature this year, when it appears to have been brought up again (whether on motion or upon the report of the committee does not appear) and the vote was passed which constitutes this chapter. The original has not been found and the vote is here taken from the records of the Secretary, who omitted, evidently through inadvertence, eight shillings and tenpence of the amonnt which the petitioners pray to have remitted, and which was actually abated as appears by the treasurer's accounts.§

Chap. 62. This chapter is from archives, vol. 40, p. 439. It is recorded in council records, vol. VI., p. 507.

The order in Council|| for the payment of these allowances is dated January 21, 1696-7, and the payment thereof is duly credited to the treasurer in his account.¶

Chap. 63. This chapter is from council records, vol. VI., p. 513. It has not been found in the archives. See note to chapter 68, 1695-6.

“March 20, 1696-7. A Vote was sent up from the House of Representatives, proposing a Security to the Treasurer, or any others that should be Encouraged to advance moneys, for a present Supply of the Treasury, for the Purchasing of Provisions, and Serving other

* *Sic*: Canada.

† *Sic*.

‡ *Mass. Archives, vol. 113, p. 107.*

§ *Ibid.*, vol. 122, p. 87.

|| *Executive Records of the Council, vol. 2, p. 439.*

¶ *Mass. Archives, vol. 122, p. 101.*

public Occasions of the Province, and a Debate being had thereupon, was left to further Consideration till Munday next." — *Council Records*, vol. VI., p. 510.

On the twenty-second the above vote was read in Council, "debated, and sent back to the House with propositions for some alterations." On the twenty-third "a bill" of the same purport as this chapter "was drawn up, by direction of the Board, and sent down for consideration." It was passed in concurrence on the twenty-fifth.

Chap. 64. This chapter is from council records, vol. VI., p. 512. It is preserved in archives, vol. 40, p. 440. See note † on p. 8, *ante*.

The petition upon which this chapter is based is as follows:—

"To the Hon^{ble} W^m Stoughton Esq^r Liev^t Govern^r & Com^{and}er in Chief in and over his Maj^{ties} province of the Massachusetts Bay in New England, And the Hon^{ble} Council & Representatives of the s^d province Convened in Gen^l Assembly March 1693/7 —

The petition of Cap^t Samuel Gallop Sheriff of y^e County of Bristol

Humbly Sheweth

That Henry Head and Daniel Wilcox both of Little Compton in the County afores^d being indicted and found Guilty of high Misdemeanour, at his Maj^{ties} Court of Assize and Generall Goals delivery held at Bristol for the s^d County of Bristol the last tuesday of August 1693. were by the sd Court ordered to pay for their sd offence as a fine to his Maj^{ty} one hundred and fifty pounds in money each, and to find sureties for their Good behaviour, and to stand Comitted untill the sd sentence were performed, who were accordingly Comitted to the Custody of y^{or} Peticon^r and after wards by reason of the insufficiency of the Goale in s^d County, and that Divers evill minded persons had given out speeches of their Intentions to procure their Escape, Yo^r peticon^r received a warrant from the Hon^{ble} W^m Stoughton Esq^r then Chief Justice of the s^d Court of Assize pursuant to an Order of his Ex^{cy} & Council, to remove the bodies of the s^d Head & Wilcox to his Maj^{ties} Goal in Boston there to be safely kept untill they should perform the sd Sentence; accordingly y^{or} peticon^r being Conveying them the s^d Head and Wilcox to Boston, the s^d Wilcox (notwithstanding y^{or} peticon^r used his utmost care & diligence to keep them safe) made his Escape and got over to Rhod Island, where he hath and doth still remain, being sheltred and protected by that Govern^t who refuse to deliver him unto y^{or} pet^r altho, he hath often demanded him, and notwithstanding the Hon^{ble} the Liev^t Govern^r &c hath also Wrote unto them thereabout, So that y^{or} pet^r stands Liable to pay the s^d Wilcox his Fine of 150^l Into the treasury, and is informed that the treasurer intends speedily to send an Execution for the same, Whereby y^{or} peticon^r will greatly suffer, altho he was no ways faulty relating to the s^d Wilcox his Escape—

Yo^r Peticon^r therefore Humby prayes this Honble Court to take the P^rmisses into Yo^r serious Consideration and make such order thereupon as may prevent Yo^r Peticon^r suffering damage by reason of the s^d Wilcox his Escape, And that y^{or} Peticon^r may be freed from being accomptable untill s^d prison^r shall be taken for the affores^d Fine.

And y^{or} Pet^r as in duty bound shall ever pray &c." — *Mass.*

Archives, vol. 40, p. 440.

For further particulars relating to this subject see resolves, 1700-1, chapter 80, and 1701-2, chapter 84, and notes.

Chap. 65. This chapter is from council records, vol. VI., p. 513. It has not been found in the archives.

The preamble to this chapter explains the action of the General Court. The tax act mentioned therein is the act of March 15, 1694-5.* Under somewhat similar circumstances, John Dexter, formerly constable of the same town, had been similarly relieved, at the first session of the Legislature this year,† of the collection of a tax under the act‡ of the eighteenth of June, 1694.

Chap. 66. This chapter is from archives, vol. 48, p. 271. It is recorded in council records, vol. VI., p. 515.

The order in Council§ for the payment of this allowance was passed April 15, 1697. The payment of this amount was duly entered in the treasurer's accounts.||

Chap. 67. This chapter is from archives, vol. 48, p. 270. It is recorded in council records, vol. VI., p. 515.

The order in Council¶ for the payment of this allowance was passed April 22, 1697, and the treasurer credited himself with the payment of this amount.||

Chap. 68. This chapter is from archives, vol. 70, p. 339. It is recorded in council records, vol. VI., p. 515.

Chap. 69. This chapter is from council records, vol. VI., p. 516. It is preserved in archives, vol. 48, p. 269.

The tavern kept by Meers seems to have stood on the site of the Huguenot chapel on School Street, afterwards used by a congregation of independent dissenters and later still by the first Roman Catholic congregation in Boston. The site was near or covered by the present Parker House.

Meers's tavern was patronized by the better class of citizens, and this house and its landlord are occasionally mentioned in Sewall's Diary.

* Province Laws, 1694-5, chapter 27.

† Chapter 3, *ante*.

‡ Province Laws, 1694-5, chapter 2.

§ Executive Records of the Council, vol. 2, p. 460.

|| Mass. Archives, vol. 122, p. 101.

¶ Executive Records of the Council, vol. 2, p. 461.

The following is Meers's bill:—

“ Boston ye 25th of March 1697 @

James Russell Esqr with the Honourable Committee appointed to James Meerse are Dr

| | | | |
|--|----|----|------|
| | £ | sh | d |
| To Expence at Sundry times In my house to ye day aboue mentioned | 01 | 13 | 10.” |

— *Mass. Archives*, vol. 48, p. 269.

Chap. 70. This chapter is from council records, vol. VI., p. 516. It is preserved in archives, vol. 3, p. 381.

The following is the petition mentioned in the preamble to this chapter:—

“ province of the Massatusets Bay &c

To the right Honourable Wm Stoughton Esqr Lein^t Govr Comand^r In Cheife in and over his Maj^ts s^d province &c—Together with the Honourable Councill sitting in Boston &c

The petetion of Jam^s Convers, in the behalfe of ye Widow Elizath Stover Late of Cape-Nudick in the County of Yorke, Now of Situate in the County of plimouth—

Humbley sheweth,

That the s^d Widow (in the begining of this present Warr) lost her husband, and she, with much deficoulty & charge, maintained her fort at Cape-Nuddick, about two Years but in the Year (1691) she was Niglected, her neighbours left her, her sons remoued, she was forced to quitt the (then) best fort in the Easterne parts, which was within one week seized by ye Enemy, her houses one of stone an other of wood within the Wals burnt,—dureing the time of her abode there she was very Redy and forword, to supplye soldiers with beefe and other provisions vpon their March & otherwise as need required, she obtained a ticket from Your petetion^r and some other Comand^rs of her disbuirments, and had A debent^r signed to the Tresurer for fifteen pounds and seventeene shillings (acording to my best remembrance) sent it to her by her son-in-law, to Situate, and her s^d son lost it by the way, the books have been serched, but no payment therof found, she hath made as many Journeys vp to Boston with A man she Hired to come with her (about it) as Cost her aboue three pounds in money & alwayes mett with disapointments altho. of late Hon^d Gour^r promised her she should be pay^d, yett she being weary, left the matter with ye petetion^r &c:

Now my prayer to your Hon^{rs} in the behalfe of this poor old Widow is) yt after all her great losses she may haue this Just debt honestly pay^d her,—and the petetion^r shall remaine your hon^{rs} humble serv^t

Feb: (26th) 1695/6
Archives, vol. 3, p. 381.

JAM^s CONVERS.”—*Mass.*

With the petition were filed the following certificates:—

“ This may Certify yt-by ye Comittees books it appears yt on ye 3 June 1691 There was a Debenture given out to Eliz: Stover for fiveteen pounds eighteen shillings & was for Beaf & quartering of Sould^{rs} & ye Debenture was numbred 513:

Boston ye 22 march 1696/7

JOHN WALLEY

£.15: 18: 00¹//

March. 23^d 1696/7 —

These are to Certefie yt I Cannot find any payment made, to Eliza. Stoner, as is Exprest within this order—

HUMP^s PARSON.”—*Ibid.*

The vote upon this petition was substantially as printed in this chapter, but without the preamble, and requiring that “the lost order,” instead of the “debenture,” be “cautioned against.” It was passed in the House on the twenty-sixth of March, and on the thirtieth the Council “voted a concurrence.”

The order in Council* for the payment of this allowance was passed June 7, 1697, and the treasurer credited himself with the payment of this amount.†

Chap. 71. This chapter is from archives, vol. 101, p. 73. It is recorded in council records, vol. VI., p. 516.

In time of war the Executive appointed a “committee for debentures” whose functions are defined in the following order in Council substituting Ephraim Savage for Bartholomew Gedney on the committee then last appointed:—

“ July 11, 1695. Advised and Ordered: That Captⁿ Ephraim Savage be joyned with Major John Walley (in the Room of Col^o Barth^o Gedney lately employed in that service) as a Committee for the adjusting and stating of the accompts of the Officers, Souldiers and Seamens pay according to Establishment, that are or shall be employed in his Maj^ts service and the accompt of Commissarys & others for Provisions, subsistances and cloathing, and for Vessells hire, that have been or shall be taken up and employed in his Maj^ts service by direction or order from this Board, and to pass Debentures upon the Treasurer for the same.

And Mr Treasurer is hereby ordered to accept all such Debentures and to make payment of the summs of money thereby respectively drawn for.

WM STOUGHTON.”—*Exec-*

utive Records of the Council, vol. 2, p. 345.

As early as September 7, 1693, these same gentlemen, as “commissioners for war,” had been authorized to issue debentures in certain cases; but, subsequently, the two functions appear to have been exercised under separate appointments, although no record of the appointment of Walley and Gedney on this committee has been found; but this may be accounted for by the fact that the executive records are defective during the period in which the appointment would have been made.

The order in Council‡ for the payment of the allowance made by this chapter was passed April 15, 1697.

* Executive Records of the Council, vol. 2, p. 471.

† Mass. Archives, vol. 122, p. 136.

‡ Executive Records of the Council, vol. 2, p. 459.

By the following entries in the province treasurer's accounts it appears that this order was complied with:—

“Paid John Walley Esq^r in full to the 6th April 1697 for his service as Comission^r for the Warr & as one of the Committee for debentures. . . . 147 ¹⁰ ¹⁰ ¹⁰ —
 Paid Capt Ephraim Savage in full to y^e 6th July, 1696 as one of y^e Committee for debentures being one yeares Sallery both being. ¹⁰ order & allowance of y^e Lt^t Governour Council & Assembly.” — *Mass. Archives, vol. 122, p. 101.*
 “Paid Capt Ephraim Savage stipend to y^e 10th October 1697 . . . 30 ¹⁰ ¹⁰ ¹⁰ —.” — *Ibid., p. 115.*

Chap. 72. This chapter is from council records, vol. VI., p. 517. It has not been found in the archives.

In Ray's former accounts mention is made of one of his Indian prisoners, Bomazeen. The date and the manner of the commitment of this famous sagamore, and of his savage companions, are shown in the account printed in the note to resolves, 1694–5, chapter 56; but the circumstances of this capture are given in the following extracts from a letter by Lieutenant-Governor Stoughton to Governor Fletcher:—

“Boston January 29th 1694/5.

Sr
 I have waited with Expectation that I might ere this have had some Intelligence from Europe, or from occurrences here, worthy of your Ex^{cy}s notice . . . no action hapned here saving the Surprizal of four Indians sometime since at Saco Fort, and three more afterwards at Pemaquid most of them of Esteem with their Countrey men for their activity and resolution and no less notorious for their villanies, and were doubtless now sent for spies to gain some advantage for the attacking of the Garrisons, or doing of other mischiefs: The four that came to Saco were killed by the souldiers there, and prevented of carrying back intelligence, those that came to Pemaquid were sent hither. where they remain in custody. and it's hoped may be improved to oblige the return of our Captives, and the bringing in of some of the principal aggressors & actors in the late Rebellion and outrages, (which it's said some of the Sagamores refused to be consenting unto) or otherwise to gain the fairer opportunity to take just revenge upon them for their perfidiousness and barbarous murders comitted. . . .

Your Ex^{cy}s most affectionate Friend

& humble Servant

W. S.” — *Mass.*

Archives, vol. 30, p. 360.

In the present chapter appears for the first time the name of the prisoner Villieu. The Sieur Sebastian de Villien was a French gentleman of distinction, a prisoner of war taken by the frigate Orford upon her return from the expedition sent by Stoughton to retake the Newport Galley after the news of her capture by the French had been brought by the Sorlings.

The following petition by Ray throws some light upon the manner in which prisoners of war of high rank were treated by the provincial government:—

“To the Great and Generall Court of his Maj^{ties} Province of the Massachusetts Bay now convened att Boston. Nov^r 28th 1696

The representation of Caleb Ray Prison keeper of Boston Gaol, touching the case of the French Prisoners of Warr now there.

Sheweth

That among the said Prisoners There is one Capⁿ Value a person of note concerning whose treatment The said Ray had a verball ord^r from some of yo^r hono^{rs} That it should be very handson and in a Generous way, which hitherto has been accordingly attended with such Entertainement as cannot be afforded und^r Eight Shillings ¹⁰ ¹⁰ ¹⁰ weeke. The other of y^e prisoners of warr w^{ch} are more closely Confined then y^e s^d Valew, makes their Complaint That they want some firing in this hard Season to render their Lives comfortable amidst the hardships of prison Entertainem^{ts}

The said Ray in their behalf humbly desires that their Condition may be considered in this hard Season for firing. And that dureing their abode in Prison their weekly allowance for maintenance may be stated both for the one & y^e other, w^{ch} the said Ray humbly conceives and is very Sensible that (in this deare season of Provisions &c) it cannot in any Tollerable way be done under foure shillings ¹⁰ ¹⁰ ¹⁰ weeke for y^e meanest of y^e prison^{rs} & Eight shillings ¹⁰ ¹⁰ ¹⁰ weeke for y^e Capⁿ. however he humbly leaves it to yo^r hono^{rs} determination.

Snbscribeing himself

Yo^r hon^{rs} most humble serv^t

CALEB RAY.” — *Ibid.,*

vol. 70, p. 317.

The orders in Council for payments on Ray's former accounts had been for less than he claimed. In the first session of the General Court this year, therefore, he had presented the following petition:—

“To the Hon^{ble} W^m Stoughton Esq^r Lt Gov^r of his maj^{ties} Prouince of y^e massachusetts Bay & y^e Honrd Council & Representatives assembled in Gen^l Court June 11th 1696

The Humble Petition of Caleb Ray

Whereas yo^r Petitioner at y^e last Sessions of this Hon^{ble} Court in february last past did lay before yo^r Honnours his Petition wth an accot annexed in all ammounting to forty five pounds 1^s 2^d as ¹⁰ ¹⁰ ¹⁰ y^e accot hereunto annexed the last artikle whereof being for y^e diet of Bomazy and Hostages at four Shillings a weeke from y^e 5th of December 1695 to 27th of february being twelue weeks (provisions being then & now also uery dear) praying yo^r Hon^{rs} consideration and as yo^r Petition^r then understood by Severall of y^e members

of the house that they had considred my Petition & allowd me what I petitioned for but after coming to my secretary and finding that there was allowed to me but thirty one pounds fifteen shillings four pence I perceived yor Honors were under some mistake and that in stead of allowing me four shillings p week yor Honrs have granted me but Eighteen pence a week for if your Honrs please to compute the uper Articles of my acct they amount att two Shillings Sixpence pr weeke to twenty Eight pounds two shillings & three pence and the twelne weeks in y^e last article at 2/6^d p weeke amounts to six pounds w^{ch} being added makes 34: 2: 3 but if allowed according to my Petition at 4^s p week amounted to thirty seven pounds fourteen shillings thre pence so that I fall Short y^e Sum of five pounds Eighteen Shillings and Eleven pence which I now humbly offer to yor Honrs consideration wth y^e addition of fifteen weeks more since 27th feby last at four shillings p week (or more (if yor Honrs Please since prouision is risen since y^t time) amounts to 12^l more

Your Petitionr Doth humbly pray that yor Honnours will pleas to order that y^e said sum now amounting to Seuenteen pounds Eighteen Shillings and eleuen pence aboue y^e thirty one pound fifteen shillings and four pence w^{ch} yor honours Formerly granted and he hath received may now be allowed him or w^t ever further addition there to yor Honrs may Consider of and yor Petitionr shall as in duty bound ever pray &.” — *Ibid.*, vol. 40, p. 373.

With this petition Ray seems to have filed a copy of the last account* presented by him the previous year. The petition appears to have been entered in the Secretary’s office, with the customary fee of ten shillings, on the eleventh of June. When or how it got to the House does not appear, but it seems to have been read there on the seventeenth, and a paper preserved in the archives shows that it was sent to a committee of the House, who reported favorably; that thereupon a vote was passed for paying Ray the balance claimed by him; and that this vote was ordered to be sent to the Council, for concurrence. Here the matter seems to have rested until the present session, when the committee named in this chapter was appointed for the purpose of settling all disputes concerning Ray’s accounts and finally liquidating the balance due to him. The paper above referred to is as follows:—

| “Return of the Comittee | | | | | | li | s | d |
|--|---|---|---|---|---|------------------------------|----|----|
| for y ^e Upper Sums of Caleb Rays acct at | . | . | . | . | . | 28 | 15 | 4 |
| for y ^e lower Sum at 3 ^s p week is | . | . | . | . | . | 7 | 4 | 00 |
| for w ^t he petitions at 9 ^{li} | . | . | . | . | . | 9 | 00 | 00 |
| | | | | | | <hr/> | | |
| of w ^{ch} he hath Recd as p Ord ^r | . | . | . | . | . | 44 | 19 | 4 |
| | | | | | | 31 | 15 | 4 |
| | | | | | | <hr/> | | |
| Rests due | . | . | . | . | . | 13 | 04 | 0 |
| | | | | | | <hr/> | | |
| | | | | | | p NEHEMIAH JEWET } Comittee | | |
| | | | | | | SAM ^{LL} PARTRIGG } | | |

Voted: That this return be allowed of; and Caleb Ray accordingly paid the Sum of 13^l 4^s 0^d out of the publick Treasury.
Sent up for Concurrence PENN TOWNSEND Speaker.” — *Ibid.*, p. 375.

The following figures, apparently written by the committee, are on the back of the petition:—

| | | |
|---------|---------|--|
| “2— 8—0 | 1— 16—0 | |
| 2— 8—0 | 1— 16—0 | |
| 2— 8—0 | 1— 16—0 | |
| 2— 8—0 | 1— 16—0 | 45 1— 2d |
| | | 12 weekes at 3 ^s p—2— 18=00 |
| <hr/> | <hr/> | <hr/> |
| 9=12 0 | 7=04=0 | 42= 3= 2 |
| 7— 4—0 | | 31=15= 4 |
| <hr/> | | <hr/> |
| 2= 8=0 | | 10= 7=10.” |

— *Ibid.*, p. 373.

When this committee reported, and what was the literal tenor of their report, have not been ascertained, but the amount awarded to Ray appears by the following order in Council:—

“June 7, 1697. Whereas Peter Sergeant, John Walley and John Eyre Esqrs were by the Great and General Court or Assembly at their sitting in March last appointed a Committee to audit & examin the Accompts of Caleb Ray Prison keeper in Boston, for the keeping of Captⁿ Villien and other French Prisoners of War, as also the Indian Prisoners, allowing him after the rate of five shillings p week for Captⁿ Villien, and four shillings p week for the other French and Indian Prisoners, and to Report the same unto the Governour and Council, with such further reasonable Charges as they should think fit, that payment might be accordingly ordered him out of the publick Treasury. And whereas the said Committee having examined the accompts of said Caleb Ray and deducted what hath been advanced to him of the Countreys Provisions &c^a have made report to this Board, that the remaining ballance due to said Caleb Ray with fifty shillings due to William Paine for handcuffs and Shackles for the Indians &c^a is one hundred sixty seven pounds, fiftene shillings and one penny, to the twenty third day of March last past.

Pursuant therefore to the Act for granting unto his Majty a Tax upon Polls and Estates passed by the General Assembly at their sitting by adjournment the 18th day of Novr last, amongst other things applied for the support of the Govern^t and answering of the incident & contingent charges thereof:

* Printed in the note to resolves, 1695–6, chapter 65.

Ordered: that Mr Treasurer do accordingly pay unto the said Caleb Ray the above-mentioned sum of one hundred sixty seven pounds fifteen shillings and one penny, he paying the above said sum of fifty shillings to the said W^m Paine.

W^m STOUGHTON." — *Executive Records of the Council*, vol. 2, p. 470.

Chap. 73. This chapter is from archives, vol. 48, p. 272. It is recorded in council records, vol. VI., p. 517.

Bradstreet died at Salem, March 27, 1697, O. S. "about 10. at night"* and was interred† in the Charter Street burying ground, in a tomb covered by a slab of sandstone on which a long epitaph in Latin was inscribed. Undoubtedly the cost of this tomb was a part of "the charge of interment" referred to in this chapter. The order in Council‡ for the payment of this allowance to his son and executor was passed May 27, 1697, and the following entry in the account of the province treasurer shows that it was paid as ordered:—

"Paid Lt Coll^r Dudley Broadstreet executor of ye last will and testament of Simon Broadstreet Esq^r late Governour of the Colony of y^e Massachusetts Bay deceas't towards defreying the charge of his interment in Consideration of his long and extraordinary service in his life time allowed by the General Assembly 100 " - " -."

— *Mass. Archives*, vol. 122, p. 122.

Chap. 74. This chapter is from archives, vol. 113, p. 142. It is recorded in council records, vol. VI., p. 517.

This chapter belongs properly to a group of resolves, orders, etc., relating to the establishment, etc., of towns, etc. Of the committee appointed by this vote one only (Thacher) was a member of the Assembly. The result of the report of this committee was the passage of chapter 2 of the resolves of the year 1697.

Chap. 75. This chapter is from council records, vol. VI., p. 518. It has not been found in the archives.

The following entry in the account of the province treasurer shows that credit was given for the unendorsed bills mentioned in this chapter:—

"Paid Sundry persons for unendorst bills of Creditt by order of the Govern^r & Council pursuant to an Act of the General Assembly 13 " 13 " 6."

— *Mass. Archives*, vol. 122, p. 102.

Chap. 76. This chapter is from archives, vol. 70, p. 340. It is recorded in council records, vol. VI., p. 518.

For the expedition in August, 1696, Church had enlisted volunteers from Connecticut.§ The expectation of large military operations this year and the reasons therefor have been given in the note to chapter 56, *ante*; and the need of all the assistance which the neighboring colonies could possibly render seemed now more urgent than ever. As has been shown, the control of the militia of Connecticut had been transferred from Massachusetts to New York, and whatever authority she may have thought herself entitled to assert over any portion of the colony of Rhode Island and Providence Plantations she forebore to exercise, preferring to appeal to a regard for the common interest rather than to offend by dictation or a show of dominion. Accordingly, this chapter, expressing the sense and desire of the whole province, by the concurrent voice of each branch of the Legislature, was passed as the most authoritative and solemn appeal that could be made. The vote was passed by the House on the last day of the last session of the Assembly; but the Council did not appoint its representatives upon the commission thus established until the twelfth of April, which was during the vacation of the Assembly. The following is the record of the Council's action:—

"April 12, 1697. Lieut^t Col: Elisha Hutchinson is nominated & appointed together with Captⁿ Nathaniel Byfield to be Commissioners on behalfe of this Government, pursuant to a

* Sewall's Diary, vol. I., p. 450.

† The following quaint account of the funeral and interment is interesting:—

"Sixth-day, Apr. 2, 1697. Lieut-Governour, Mr. Secretary, Col. Shrimpton, and Sewall ride to Salem. It rain'd most of the way, and yet, a little beyond the Butts, Col. Gedny met the Gov^t with a small Troop; and in the Rain led us along through the Town to the Fort, to view it and see what condition 'twas in; and also the Brest-Work: From thence went back to Col. Gedney's. Governour, Mr. Secretary, Col. Phillips and Sewall dined there: From about two *post meridiem*, the wether clear'd and was warm. About 3 was the Funeral; Bearers, Mr. Danforth, Major Gen. Winthrop, Mr. Cook, Col. Hutchinson, Sewall, Mr. Secretary: Col. Gedney and Major Brown led the Widow; I bore the Feet of the Corps into the Tomb, which is new, in the Old Burying place.

Mr. Willard, Capt Checkly, Capt Hill, Capt Williams Cap^t Belchar &c. there.

Mr. Bromfield, Mr. Eyre. Probably very many would have assisted, had not the wether been discouraging. Three Volleys, but no Great Guns, by reason of the Scarcity of Powder. Came home comfortably in the Sunshine; which prov'd well; for the next morning was a set Rain. Ministers at the Funeral, Mr. Willard, Mr. Shepard, Mr. Chiever, Mr. Higginson, Noyes, Mr. Hale, Mr. Gerrish, Mr. Hubbard of Ipswich, which are all I took notice of." — *Ibid.*, p. 451.

After reposing in the tomb for about a century the Governor's remains were removed and the tomb was sold to Colonel Benjamin Pickman by the selectmen of Salem. By Pickman it was subsequently conveyed to Hathorne.

‡ Executive Records of the Council, vol. 2, p. 469.

§ " . . . Being also requested by the said General Court, [of Massachusetts] he proceeded to raise Volunteers, and made it his whole business Riding both East and West in our Province and *Connecticut*, at great charge and expences; and in about a Months time raised a sufficient number;" etc. — *Church's History of Eastern Expeditions*, vol. II., p. 93.

See the note to chapter 49, *ante*, and to resolves, 1694–5, chapter 62, and 1697, chapter 7, for other instances of the service of Connecticut men under Massachusetts commanders.

vote of the General Assembly, to make application unto the several Governments of the Colonys of Connecticut and Rhode Island, for assistance from them towards the carrying on and prosecution of the War against his Majty's Enemies, and ordered that a Commission and Instructions be prepared for them accordingly.

WM STOUGHTON." — *Executive Records of the Council*, vol. 2, p. 457.

The commission and the instructions of the commissioners were read in Council and approved of by the Lieutenant-Governor on the fifteenth, and with them was delivered the following letter to the governor of each of the colonies appealed to: —

"S^r/.

These accompany Lt Colo Hutchinson and Cap^{ne} Nath^l Byfield who with the advice of his Majty's Council and the Assembly of this Province are Comissionated to make application unto the Governmt of yor Colony for assistance to be afforded by them for the carrying on and prosecution of the War against his Majty's Enemys. A memorial of the import of their Comission they will lay before yor General Court at their Sitting, and I trust will have credence with them in what they shall Represent. I pray yor Favour in Encouraging and assisting of them in this their Negotiation and speedy dispatch that they may return home again. I am. S^r Y^{or} Very affectionate humble Servant.

Boston April. 1697./.

W. S.

Gov^r of Rhode Island & Gov^r of Connecticut." — *Mass. Archives*, vol. 2, p. 78.

On the twenty-second, an order in Council* was passed directing the province treasurer to advance twenty pounds to Hutchinson towards defraying the expenses, etc., of the commissioners, and, a week later, another order was passed in Council† directing the treasurer to pay twelve pounds to Josiah Holland of Roxbury, for a horse purchased of him by Hutchinson for his journey.

After the passage of this chapter, and before the commissioners had presented their credentials to the authorities of Connecticut, more definite intelligence of the designs of the French had arrived; and the Lieutenant-Governor seems, also, to have received official information of the proposed expedition from England for the recovery of Newfoundland,‡ which would impose upon the colonies the burden of supplying with provisions the forces of Colonel John Gibson, the commander of that expedition.

The first that appears in the archives respecting the subsequent proceedings of the commissioners is the reply from Rhode Island. This reply was to the foregoing letter and to a memorial by the commissioners similar to the one they made to the Governor and General Court of Connecticut on the fourteenth of May which is hereunder printed in full. The reply was as follows: —

"Honrd Gentlemen your Lines baring Date Boston Aprill — 1697 were communicated vnto vs by our Honrd Gov^r Sent by y^e hands of your Comissioners Lieut^t Collonell Elisha Hutchinson & Cap^t Nath^l Byfield, to gether with a memoriall vnder there hands from them Laying before vs the deplorable Condition of y^e Eastern people for want of Suply of men and mony & Provisions desiringe Asistance from this Government &c:

wee are deeply Seneible of y^e Same and hane taken the Matter into Consideration and could heartly wish that wee were in a capacity to afford helpe accordingly, but it is not vnknowne that this his Majties Collony are few in number of men and Situate as it were in the midst of ye Collonys with a principall inlett and out Lett and vnprovided for fortification against the Enemy: and according as is premisd wee are the frontiers of y^e Collonys against ye Kings Enemys att sea: and noe place in New England oftener Alarmed nor att greater Charge for Watching and warding then wee are according to the number of men.

Wee did Asist you in the Canade Expedition by Cap^t Edmnds by vpward of thirty men vollunteers who vpon Returne tho: Comissionated by you was faine to come to vs for Arears — Block Island hane been attackt by y^e ffrench but were reduced by forces Sent from this Government vnder Comand of Cap^t Thomas Paine to admiration when yor Asistance came to Late. block Island: is Still in greatt dainger of y^e Enemy and hath often petitioned vs for a Suply of men which doth more Imediatly concerne vs to Suply had wee any to Spare.

* Executive Records of the Council, vol. 2, p. 461.

† *Ibid.*, p. 463.

‡ This expedition consisted of a fleet of twenty-three sail carrying a force of one thousand men from Ireland. Gibson appears to have been engaged in this enterprise from March to October, although Charlevoix states that this fleet sailed from Plymouth, England, on the fourteenth of April, reaching St. John's on the seventeenth of June. The fleet was commanded by Admiral the Honorable Edward Nevill. To enable supplies to freely reach Colonel Gibson, the Governor and Council suspended, in certain instances, the acts forbidding the exporting of provisions to Newfoundland, and Stoughton prevailed upon Governor Fletcher to ship three cargoes of supplies for Gibson's men. Besides this, the Governor and Council sent a present to the Colonel for his private table. The following is a record of a license granted for the export of provisions as aforesaid: —

"Sept. 6, 1697. Upon application made by Captⁿ Andrew Belcher of Boston Merchant.

Licence is granted unto him to export in the Katch Dolphin, George Cox Master, bound for Newfoundland, such provisions of any sort whatsoever as he shall think fit, for the supply of his Majty's Forces there, the sd Cox giving sufficient Bond to carry the said Provisions to Newfoundland for the occasion aforesaid and to noe other place whatsoever, as in and by a late Act of the General Assembly Entitled: An Act to restrain the exportation of Provisions, is directed.

WM STOUGHTON." — *Ibid.*, p. 495.

The following is the record of the order for sending a present: —

"Sept. 6, 1697. Advised and Ordered: That by the Katch Dolphin, George Cox Master, bound for Newfoundland, there be sent as a present unto the Honble Col. John Gibson Commander in Chief of his Majty's Sea and Land Forces there, a dozen of fatt Weathers and a hogshhead of Canary Wine for his honours own Table.

And that John Walley Esqre Commissioner for War take care forthwith to procure and put the same on board the said Vessell." — *Ibid.*, p. 496.

If this Island Should bee attackt by y^e Enemy y^e french it would bee as bad an omen to New England as Dunkerk is to England: (as wee are informd you haue made the Like Report to his Maj^{ties}) and therefore it Stands vs in hand to Keep what Strength wee haue att home to defend the Kings Intrest: niver the Less if there Should bee any invation attempted on any of his Maj^{ties} Collonys, wee then take it our bounden Duty to Asist to y^e vtmost that wee are able: as in Like maner if this his Maj^{ties} Collony be Asaulted: wee may Expect y^e Same from any of them, but in meane time this is to informe you that wee haue sent out foure Indiens well accoutred to Joyne with — and vnder y^e Comand of Cap^t Peter Aspinwall: and what more wee can doe without indaingering his Maj^{ties} Intrest heare wee Shall not bee back ward —

wee haue also gathered Som mony by a free Contribution and are takeing care towards y^e Gathering more for the Suply of y^e English in the Easterne parts that are distressed by y^e warrs for want of Suply — as for Provisions this his Maj^{ties} Collony is indifferently provided for them Selues. but not in a capacity to Spare much: Gentellmen it is our desire to hold a good Corrispondence with our Neighboring Collonys: and as is afore sd Shall be ready to Serue them in what wee are in a capacity to do: in y^e meane time Shall Remaine. y^{or} asured ffrinds to Serue to our powers —

Signed by Order of y^e Gen^l Assembly of his Maj^{ty} Collony of Rhoad Island & prouidence Plantations Sitting in Newport y^e 5th Day of May 1697

WEST CLARK Reed^r. — *Ibid.*

The memorial or application to Connecticut was as follows: —

“May it please Yor Hon^r & this Hon^d Assembly —

We are sent by y^e Hon^{ble} y^e Leut^t Govern^r Cbuncill and Representatives of his Maj^{ties} Province of y^e Massachusetts Bay, to make Application to Yor selves, for Yor Assistance & supply of men, money, and provisions, for y^e more Effectnall carrying on, & prosecuting of y^e war against his Maj^{ties} Enemies the French and Indians —

This Honourable Assembly cannot be wholly Ignorant of y^e Great Lamentable, and distressing difficulties that his Majesties Subjects in y^e neighbouring Province of y^e Massachusetts Bay are labouring under, by frequent depredations, and great Spoiles made on them, both by sea and land, by his Maj^{ties} Enemies the French and Indians in this wasting war, wherein we are Yet involved, w^{ch} hath now Continued neer nine Years, in w^{ch} time there hath been rais^d upon his Maj^{ties} Subjects more then One hundred & Fifty Thousand pounds, besides y^e loss of maney hundred of his Maj^{ties} Subjects, and y^e great damage w^{ch} perticuler Towns & p^{ersons} have sustain^d y^e Province of y^e Massachusetts Bay have been at Very consid^{able} charge in yeilding Assistance of men, and money to y^e Province of New Hampshire, and are now afresh sollicitat^d for a supply of Sixty men.

If Yor Hon^{rs} consid^r y^e war as it is nationall, and y^t we are all Subjects of y^e Same Prince, may it not be thought just and reasonable, y^t y^e warr be carryed On in equall proportion by y^e Severall Governm^{ts} both as to men, & money, and may it not now be suitable to consider y^t our Province whose Low Estate we now Represent unto You hath been as a Barrier to Sheld of those heavy Stroakes, w^{ch} otherwise might have fallen on Yor Selves

We hope we need not Use maney Arguments wth Yor Hon^{rs} now conveigned in generall Assembly to make You sensible, y^t it is highly Necessary y^t so consid^{able} a part of his Maj^{ties} Interest, as y^e Province of y^e Massachusetts Bay is, ought to be preserved, And defended, And y^t utmost Indeavours ought to be used, to subdue and bring und^r such Enemies, as y^e French and Indians are —

The Province of y^e Massachusetts have by y^mselves stood in y^e Gap as long as they are able, a considerable part, have for maney Years been shutt up in Garrisons, and have been forced to gett y^r Bread wth y^e perrill of their lives, maney have been driven from their habitations, and their Estates laid Waste, and consid^{able} Numbers have been carryed Captive, and remaine Servants to an heathen Enemie, whist* others are greatly impoverished by great losses and heavy Taxes, and Yor Selves in this Collony, by reason of Yor Citnation, have been providentially Exempt^d & freed from those distractions, and direfull Effects of a wasting war, and comparatively have had but a small Taste of it, our necessities have called for a far greater Supply of provisions yⁿ we in y^t province have been Capiable to raise, w^{ch} hath occasioned great advance on all sorts of provisions rais^d by Yor Selves, by w^{ch} You have been greatly advantaged (w^{ch} we rejoyce in) but hope y^t as God in his Providence hath made You capiable, You will as willingly afford releif to Yor distressed neighbours, and we having no prospect of subduing y^e Enemie, and procuring a peace to his Majesties Subjects w^{thout} sending out an army y^t may persue y^e Enemy, and indeavour to visett their head Quarters.

It is Humbly proposed to Yor Hon^{rs} to raise and send forth wth all Speed at y^e Colloneys charge a suitable number of able men well equipt, und^r such officers, as to Yor Selves shall seem most meet, y^e better to Effect y^e designe, and y^t You send provisions to Boston for y^{or} supply.

We purpose to procure suitable Vessells to Carry from Boston, Provisions &c, up Kenebeck River, there to attend said armie in order to their Supply, the Officers and Souldiers so by you rais^d to receive Commissions, and instructions from y^e Hon^{ble} W^m Stoughton Esqr Lein^t Govern^r & Comand^r in Cheif of his Maj^{ties} Province of y^e Massachusetts Bay: and we do propose y^t Suitable numbers of men be raised in y^e Province of y^e Massachusetts Bay to guard and Secure their Frontiers at their Own charge —

ELISHA HUTCHINSON
NATH^l BYFIELD

To Robert Treet Esqr Govern^r of his Maj^{ties} Collony of Connecticott, & Generall Court of y^e same now sitting in Hartford May: 14: 1697.” — *Ibid*, p. 249.

The public records of the colony of Connecticut supply the want of a detailed report of their proceedings by the commissioners. The following entry is found in the records for the May session of the Court of Elections: —

* *Sic*: whilst.

“Colon^l Hutchinson and Captⁿ Nathan^l Byfield, messengers from the Lieu^t Governour and Council of his Maj^{ties} Province of Massachusetts, made their application to this Assembly by memoriall in the name of the said Lieu^t Governour and Council, for the raising a suitable number of effective men well equipt to joyn the forces of the said Province, to promote a design of visiting the common enemy at their head quarters and to send provisions to Boston for their supply. Captⁿ Sam^l Mason, Captⁿ Jn^o Hamlin, and Mr Jn^o Elliott were chosen and appointed by this Assembly to treat with the said gentlemen.

In answer to the proposals of Hon^l Colon^l Hutchinson and Captⁿ Byfield, respecting the prosecution of the warre against the common enemy, this Court not finding themselves able to raise an armie sufficient to attack the enemy at their head quarters without more aid from their neighbours then can be obtained, doe therefore conclude to proceed at present in managment of the warre as they have begun, by sending sixtie four men, English and Indians, to range the woods near the walk of the enemy and upon the return of those that are sent out to reenforce them by adding to their number according as the providence of God shall direct and enable them, expecting that those that from time to time be sent forth, when they shall in going forth or returning come into any of the frontiere townes of the Massachusetts Province they shall be by that Province be relieved with armes, amunition and provision as they shall stand in need.

A letter drawn in answer to the motion of the Lieu^t Governour and Council of the Massachusetts was read in this Court and ordered to be sent to Boston to them.” — *Colonial Records of Connecticut, 1689-1706, p. 204.*

The letter which was prepared as above stated is as follows:—

“Att a Gen^l Court held at Hartford May, 17th 1697 In answer to the proposals made by Hon^l Coll Hutchinson & Captⁿ Nath Byfield in the Name of the Lt^r Gov^r & Council of his Maj^{ties} Province of Massachusetts, This Court considering their in ability to Raise an army of men Sufficient to attack the Enemy in their head quarters with out more aid from their Neighbours then can be obtained, Doe therefore conclude to proceed in carrying on the Warr as they have begun by Sending forth of men. to rainge the woods near the walke of y^e Enemy, to where they may best discover and prevent any designes they may have of invading his Maj^{ties} Subjects. And upon the returne of the Sixty four men already Sent forth to Reenforce them by adding to their Number, according as the providence of god Shal direct & Enable them, And to be all ways redy to comply wth the wise Council & Advice of y^e Hon^l Lt^r Gov^r & the Council of his Majestys Province of Massachusetts as they Shal please to Communicate the Same, Expecting that when their men in going forth or returning Shal happen at any time to come in to any of the frontere Towns of y^e s^d Province, they Shal Recieve a Supply from thence of Arms Amunition & provision as they Shal Stand in Neede. And Maj^r Jon^a Sellick & Captⁿ Gold are desired to Communicate the minde of the Court to the forenamed Gentlemen:

A true Copie of the act of the s^d Court.

Test ELEAZAR KIMBERLY Secre^t.” — *Mass.*

Archives, vol. 70, p. 345.

The commissioners returned to Boston in season to present their report at the beginning of the first session of the Legislature of 1697. The answers from the two colonies (certainly the answer from Rhode Island) were read in the Council on the twenty-eighth of May, but nothing seems to have been done further than the passing of the following order by the Council:—

“May 29, 1697. Ordered by the Board That the Secretary draw up, and Signe a Letter to the Governour and Council of Connecticut for their Assistance of a Company of Fifty or Sixty effective Englishmen to joyne some of ours for the Defence, and Securing of our Frontiers, And to be in a Body for the relieving of any Place, that shall be Assaulted, As Also to enforce their Party of Indians now abroad in Pursuit of the Enemy, by Adding some more to that Number.” — *Council Records, vol. VI, p. 526.*

The letter written by Secretary Addington in compliance with the above order is as follows:—

“Honble S^{rs}

Yours of the 17th currant by the hand of the Gentⁿ Commissioned by this his Matys Governmt to treat with the Government of yor Colony for assistances against his Matys Enemies has been laid before y^e Board. And I am comanded by his honour the Lieu^t Governour & Council to observe unto you the thankful Resentment they have of yor kind treatment of their Comissioners and the Expressions of your readiness to assist in this common cause, with their acknowledgements of what you have already done in sending forth y^e party under the conduct of Peter Aspinwall, wishing success unto them, and withal to request that upon their return or Sooner you would enforce them with a greater number, and also forthwith to raise an Entire Company of Fifty or sixty effective English men under such proper officers as you shall think fit to nominate for their Commanders to joyne a party of our men so as to make up a body of three hundred men for the defence and preservation of his Matys Subjects and Interests within the Easterne parts of this Province and in the Province of New Hampshire (who are in danger of being speedily invaded by y^e French & Indians both by Sea and Land and it's probable some French ships of War are already come into the Bay of Fundy) and to repel & pursue the Enemy wherever they may be found, and that you please to transmit the names of your Officers and notice of the time assigned for their marching and the place for their entrance into this Province. his honour will accordingly order Commissions with his Instructions for their further proceeding to be there in readiness to be delivered unto them You may be assured they will not be employed for the Garrisoning of any Town or place, but be kept together in a body with those of ours that shall be joyned them, and be constantly in motion above the heads of the Frontiers in the Eastern parts and near for their relief upon any attack, or to move further Eastward according as there may be Intelligences of the Enemies motions. Intimations hereof have been given unto Captⁿ Mason and Mr Noyes, and that there may be some supply of armes from hence for the fitting out some of your Indians that may want

Care will be taken here to transport the Provisions which you shall send for the Subsisting of your men that it may be lodged in convenient Posts whereto they may easily have access, and it shall be deposited in the hands of such persons as your selves shall direct It's necessary that the Company of English and what further assistance you shall please to afford be speedily dispatch't, the Enemy are upon motion. We had Intelligence the last weeke that Capt John the Indian, (lately escaped out of the hands of the French and Indians) with another briske Indian and an Englishman in Company being upon discovery up Merrimack River were surprized by the Enemy, Capt John killed upon the spot. the Englishman and the other Indian (who was sorely wounded) taken & carried to Winipesiockett, from whence the Englishman hath since made his Escape.

Please to favour us with your Answer hereunto with what speed you can so as we may know what to expect from you that Measures may be taken accordingly —

By order of the Hon^{ble} the Lieut Governour & Council

Boston May 31st 1697

ISA ADDINGTON Sec^{ry}

Govern^r & Council of Connecticott." — *Mass. Archives*, vol. 2, p. 252.

Stoughton had communicated to Governor Fletcher of New York as early as the third of May* the news he had received of the intended expedition to Newfoundland; and, apparently, as soon as the official notification arrived, which was dated from Whitehall the eighteenth of March, 1696-7, he transmitted a copy thereof to the Governor and Council of Connecticut, which was duly received and read by the Council at a meeting held at Hartford on the fifth of June. This seems to have quickened the action of the Connecticut authorities in affording to Massachusetts the assistance called for in the letter above printed, for the following votes were immediately passed by the Council: —

"At a meeting of the Govern^r and Council in Hartford, June the 5^t, 1697.

Members of the Council:

| | | |
|--|---------------------------------|--|
| Colon ^l Robt Treat, Govern ^r , | Maj ^r Jona. Bull, | Mr Will. Pitkin, |
| Nath ^l Stanley Esq ^r , | Capt ⁿ Robt Wells, | Mr Jn ^o More, |
| Capt ⁿ Caleb Stanley, | Ensign Jn ^o Chester, | Eleaz ^r Kimberly, Sec ^{ry} . |

A copie of a letter from his Maj^{ties} to Will. Stoughton Esq^r, . . was read in Council, . .

Also a letter from Lieut Govern^r Stoughton and his Council signifying their desire of 50 or 60 effective English men under officers appointed by this Council to joyn with a partie of the Massachusetts to be constantly in motion above the heads of their frontiers and neer for their relief upon any attack of the enemy.

Voted and ordered in Council that 50 men be raised with all expedition to send to the assistance of his Maj^{ties} subjects in the said Province in the service before-mentioned, and that provisions as wheat, indian corn, pease, porke &c. be imprest where it may be had for the supply of the souldiers that shall be sent. The provisions to be purchased at the market price in money and consigned to Captⁿ Sewel. That a letter be sent to the Lieut. Govern^r and Council to signifie to them the resolution of the Council, and also the scarcity of provisions in this Colonie and the expectation of this Council to have a supply of provisions for the souldiers sent from this Colonie from them till they may have a supply from hence, and when such provisions as are sent from this Colonie are spent, that they afford them a supply till their return, and what provisions they shall afford to the souldiers sent from this Colonie at their first arrivall there to be paid to them in the same specie out of the provisions sent from hence; also that they have their supply of amunition from them and also necessary clothing upon the credit of this Colonie, and that the souldiers sent shall not continue upon the service beyond the last of September next, and to be at the comand of the Governour and Council to be called home sooner if they shall see reason for it.

Voted and granted in Council that every souldier should recieve 10^s in hand in money to supply him with a horse for his journey, and that the captⁿ for his wages shall have 20^s cash p^r week while he is out upon the service, and the lieut 15^s cash per week, and the private souldiers 7^s p^r week; each souldier to have a quarter of a pound of powder and bulletts answerable. Capt. Will. Whiting to be captⁿ of the company, Lieut Stephen Hollister to be their lieut." — *Colonial Records of Connecticut, 1689-1706*, pp. 216, 217.

On the seventh, Governor Treat communicated to Lieutenant-Governor Stoughton the foregoing votes of the Council in the following letter: —

"Hon^{ble} Sr

Yours of the 29 of May with a Copie of his Maj^{ties} Letter inclosed as also one of the 31st under the hand of your secretary Mr Addington by order of your Honour and Council have been Read and Considered in Council. I shall not need to trouble your Honour with a Repetition of the sense that is upon our Spirits here of our Solemn obligation according to the best of our ability to promote the answering of his Maj^{ties} desire and expectation in sending supplies of provision and suitable Refreshm^{ts} to his forces inguaged in a designe so neerly Concerning the interest of the whole nation and these Colonies in particular. And to deal therein with all Solicitous Care plainnesse and sincerity. but by Reason of the Scarcity of Provision in your Province and the Quicknesse and freenesse of the Markett. Provisions are so dreined from us. that we thinke there is nothing Considerable left beyond what is of Necessity for the Supply of the people till a new Crop and Supply Comes in. Though there hath been a good increase in some plantations upon the sea Coast. yet in severall principall townes upon the River the Crop hath failed so, that divers persons that farme Good Quantities of Land are C[on]f^tstrained to buy their bread Corn. Yet we shall not be wanting to make dilligen[t] inquirie, and to doe the best we Can; but at present Can Give no inconragem^t for any dependance. In answer to yours of the 31st of the last month. we have Resolved with all expedition to Raise 50 men to send to your

* " . . . there are Six Sayle of men of War and a Bomb Katch with some Land fforces under the comand of Colo Gibson ordered to Newfoundland to resettle that Country and secure the Fishery. it's probable my Lord Bellomont may come out with that Squadron . . ." — *Mass. Archives*, vol. 2, p. 410.

† Manuscript mutilated.

assistance according to your desire there may also Come with them 5 or 6 active Indians. under the Command of Captⁿ Will Whiting. to be in the service till the last of September unlesse we shall see Reason to desire them home sooner which will Come into your Province by the way of Malborough. And Sr we must expect from you a Supply of provisions for them untill provisions may be procured and sent from us. And that they may Recieve from you ammunition Clothing and necessaries for their supply upon the Credit of our Colonie. as also accomodation of phisick and surgery as they may stand in need which is more easily obtained with you then with us. Sr our Great Care [is*] to Gett provisions for them, and know not at present where it is to be had to maintain them for any Considerable time. Sr it is our desire to hear from you with as much speed as may be, and to know how farre we may expect your Compliance with our desires in supplying our men. and to send us word whether you Can supply them with provision upon our Credit if supplies should fail here. (Provisions must be had.) and if we understand that you will so doe Rather then fail of our men it shall occasion no slacknesse on our part to doe the best we Can to provide for them our selves. A letter is lately Come to us from Colon^l fletcher who informes that he hears of a fleet of french men of warre gone in pursuit of the Spanish plate fleet and if they fail of that designe their order is to Come and destroy New York. and he demands our Quota of 120 men which we must have in Readinesse to march if any such attack should happen :

Hon^{ble} Sr

Your most affectionate friend and Servant

Hartford June the 7th 1697 :

ROBERT 'TREAT.' — *Mass.*

Archives, vol. 2, p. 252.

The term for which the Connecticut soldiers were enlisted expired the last of September. They formed part of the expedition under Major John March, which, after an encounter with the enemy, at Damariscotta, on the ninth of September, prudently returned to York.† Tidings of this movement reaching Boston just after the adjournment of the Assembly, the Governor and Council sent commissioners‡ to encourage the forces to continue in the service. Stoughton lost no time in urging the government of Connecticut to pursue the same course with their contingent. This he did in the following letter : —

“Boston Sept^r 14th 1697 —

Hon^{ble} Srs/.

I understand that the time limited by your Instructions unto Cap^{ne} W^m Whiteing for his continuance in his Maj^{ties} Service within this Province with the detachment under his Command, will expire with this month, your assisting of us so far is thankfully acknowledged, Cap^{ne} Whiting & his Company having acquitted themselves very well. I am sorry for the mishap formerly befalling some of his souldiers, and your loss lately sustained in an Engagement with the Enemy, of which I suppose you have an acct in his own Letter unto your Selves; the loss on our part has been in proportion more heavy; and I hope the Enemy have no cause of triumph; but received a considerable rebuke and disappointment. I do not apprehend the time of our threatned danger to be yet over, and it's probable to be an opportune Season for pursuing the advantage lately gained against the Enemy to which end I am sending some Gent^l of your Council Eastward to advise thereabout with your Commanders of your Forces abroad. I therefore earnestly pray your further Instructions to Cap^{ne} Whiteing for his remaining some longer time in the Service in order to the forming of another Expedition which I hope will be but short that we may not lose the opportunity providence seemes to favour us with; please to let me have your Speedy answer hereto, and your Instructions unto Cap^{ne} Whiting accordingly. Upon your 11th instant a party of Indians to your number of about Forty as was judged, about twelve a clock the same day, Surprized and kill'd about 26. persons at Lancaster of which the Minister of the Town was one, burn't two Garrison houses and two Barnes, the Garrisons being left open and your Inhabitants Surprized in their Fields: there is a party of men out in pursuit of your Enemy I have yet no acct of their return or what they met with. I hope the party of English and Indians from your Govern^{mt} of whom Cap^{ne} Mason lately advised me and for which I sent Commission, are set forward into the parts of this Province about Pennicooke & Merrymack River and may be probable to do good Service there upon the Enemy in case they be not over hasty of drawing off & returning home as is their usual manner. I am in daily Expectation of the arrival of Ships from England, and with them his maj^{ties} Gov^r. I have yet no intelligences about your Squadron & Forces gone to Newfoundland under Colo Gibson, long to hear of their good Success, and also some good news from Europe I am

Gent. Your affectionate Friend & serv^t

W^m STOUGHTON." — *Ibid.*,

p. 256.

The following is the record of the action taken upon this appeal : —

“At a meeting of the Govern^r and Council in Hartford, Septem^{br} your 21st, 1697. . . .

A letter from Lieut Govern^r Stoughton dated Septem^{br} your 14th, 1697, was read in Council, giving an account of a late expedition against the enemy, and signifying his earnest desire that Captⁿ Will. Whiting with the detachment under his command might have instructions sent to them to remain longer upon the service then formerly limited, to the forming another expedition. The Govern^r and Council having considered the matter, concluded to write to the Lieut Governour and to signifie to him that the souldiers being prest to attend the service onely untill the end of this present month, and then to return, they cannot see it their way to require them to continue any longer; if the Council should not hold to their word it would be a discouragement to our souldiers to goe forth for the future, yet if there be occasion for an expedition that may be speedily prosecuted, and the

* Manuscript mutilated.

† See resolves, 1697, chapter 39, note.

‡ *Ibid.*

captⁿ and souldiers are willing to stay longer in order thereunto, they are contented that they should so doe, and that they shall be allowed the same incouragement for their further service as is at present allowed to them.

A letter drawn to send to Lieu^t Govern^r Stoughton, and a letter to Captⁿ Will. Whiting, were read and approved in Councill." — *Colonial Records of Connecticut, 1689-1706*, p. 220.

This action was communicated to Stoughton in the following letter from the clerk of the Council of Connecticut: —

"Hon^{ble} Sr

Yours of the 14th Currant is before us wherein your Hon^r Gives us an account of a Late Expedition against the Enemy with the succeſſe thereof. As also the Solemn Providence of God towards the Inhabitants of Lancaster In Suffering the Enemy to surprize and destroy so many persons there inhabiting, and to make such waste upon the town. According to the Information we have Recieved those people were to secure and negligent not attending the ways of providence for their own preservation. although we doubt not but your Honour hath Given them sole^me Caution to look well to themselves. Your Hon^r also Informs us, of the Comendable behaviour of the souldiers And how they have manfully acquitted themselves in the inguagement with your Earnest desire that further Instructions be sent to Captain Whiting for his Remaining some Longer time in the service, in order to the forming of another Expedition for which Providence seems to favour with an opportunity. Your Desires therein we have taken into serious Consideration, And although it is our hearty desire to Promote any hopefull designe against the Com^{on} Enemy yet having prest and Promised our souldiers for no Longer time then the end of this present month and then to Return we see not how we Can without Reflexions of dishonesty, and Imprudence Require them to Remain any Longer upon the service. And so to doe may be of ill Consequence for the future, and may discourage our souldiers from Going out when they are prest. Yet notwithstanding if the Captain and souldiers are willing to Continue for some short space of time Longer upon the service, we are so desirous that all advantages against the Com^{on} Enemy should be improved to the uttermost. that we are Willing that they should so doe And that the same Incouragement for their further service should be allowed to them, which hath been Inguaged for the time formerly Limited.

Desiring the God of Armies upon whose divine Providence the succeſſe of all Enterprizes doth depend to Goe forth with our forces to Give them Courage, Council and strength for the warre and succeſſe therein. And also acknowledging the Good hand of his Providence appearing for his people in this wilderness In Giving such succeſſe to the Late inguagement. whereby we hope our souldiers are animated and Incouraged and the Enemy as we hope Daunted and discouraged for which his name be Praised

We Remain Your Hon^{rs}

Affectionate friends and Servants

the Govern^r and Council of

His Maj^{ties} Colonie of Connecticutt:

By order of the Govern^r and Council ELEAZAR KIMBERLY *Cler Concilij*
Hartford Septembr 21st 1697." — *Mass. Archives*, vol. 2, p. 257.

It having thus been determined that the Connecticut soldiers should return, Stoughton dismissed them with the following grateful letter to Governor Treat: —

"Hon^{ble} Sr/.

These accompany Cap^{ne} Whiting who now returns home with his Company, for whose good Service I return you thanks, and for yo^r concession to have continued their pay for a longer time in case they had been willing to remain in y^e Service to gone forth on another Expedition which I was very desirous to have set forward, and have pursued the advantage gained of the Enemy, but things did not sute thereunto, so that I had not the opportunity of making the proposal to them. but perceive they rested much upon y^e promiss of yo^r Govern^{mt} that they should be drawn off at the end of Septembr Cap^{ne} Mason and m^r Noyss Endeavours and pains to have Served us with their Indians has come to little Effect they being such a difficult sort of people to have to do withall there is little Expectation of any considerable Service from them. the party that came down here in the Spring want^d not Encouragem^t haveing twenty pounds freely given them by this Govern^{mt} however I thankfully accept those Gent^{ms} good desires and zeal in that matter. and with all due Respects to yo^r Selfe and y^e Gent^{ns} of yo^r Council.

I am. Sr yo^r affectionate Friend and Serv^t

Boston. Oct^r 4^o 1697.

W. STOUGHTON

Gov^r Treat." — *Ibid.*, p. 258.

By the eleventh, these soldiers had returned, and the Governor and Council at Hartford took measures for equalizing their pay by passing the following order: —

"Att a meeting of the Governour and Council in Hartford, Octobr the 11th, 1697.

The souldiers that were prest in the severall counties of Hartford, Newhaven, and Fairfield, for the assistance of his Maj^{ties} subiects in the Province of the Massachusetts Bay being returned home, the constables in the severall plantations where souldiers have been prest for the said expedition are hereby ordered by the first oportunitye to send to Captⁿ Caleb Stanley commissary in Hariford, a prticular and distinct account of all that the souldiers in the respective townes have recieved of the country before their going out, upon the account of their wages." — *Colonial Records of Connecticut, 1689-1706*, p. 220.

See, further, resolves, 1697, chapters 7, 16, 24, and 39, and the notes thereto.

Chap. 77. This chapter is from archives, vol. 70, p. 335. It is recorded in council records, vol. VI., p. 519.

This chapter is based upon the following petition: —

"To the Right Hon^{ble} William Stoughton Esq^r Lt Governor and command^r in cheife in and over his Maj^{ties} Province of the Massachusetts Bay in New England with the Honrd

Councill and Representatives thereof now assembled in Gen^l Court held att Boston by adjournment March 18th 1696/7 —

The Petition of Benjamin Church of Bristoll

Humbly Sheweth

That yor Petition^r on the 14th of June 1696 by advice of the Lt Gov^r & council of this Province, in ord^r to raising forces for his maj^{ties} Service to goe to the Eastward against y^e Common enemy Came from Bristoll to Boston and went from thence to Stonington New London and Norwich into connecticott colony, and from thence to Bristol againe, and from said Bristoll into the Severall Townes of Barnestable County soe farr as Eastham and soe to Plym uth and into severall Townes of Plymouth County and from thence to Boston againe: and being informed That y^e act Intituled an act for Encouragem^t to prosecute y^e Enemy would not answer the end of his Intentions in proceeding on the aforesd designe. Yor Petition^r was forced to take a journey from Boston into Connecticott Colony againe, and from thence Returned to Bristoll aforesd, where in Bristoll County he raised Two Companys the one of English the other of Indians, and in & during which Time yor Petition^r is well assured That he Spent in horse hire, Travelling y^e aforesd journeys, passing Ferrys, upon Companies, and in Necessary Treating of divers persons for an accomodation in the premisses, above Six and thirty pounds money, whereof he only recd Twenty Seven pounds out of the Publick Treasury towards the discharging the same. That upon the third day of Aug^t Last past he rec^d his commission att Boston to proceed in the Quality of a Major on the aforesd Expedition to y^e Eastward ag^t sd common Enemy and in his way thither expended very considerable of his owne money upon the forces raised in the Provinces of Maine & Hampshire, to accompany him and was upon sd Expedition thence forward to y^e 26th of Octobr following att w^{ch} time he Landed on shore att Boston, Soe that the whole time of his being upon said service from y^e sd Fourteenth of June to y^e sd 26th of Octobr is Foure months and Twelve dayes.

Yor Petition^r therefore humbly Prayes That this high and hon^{ble} Court will soe consider the premisses as allow yor Petition^r Such sufficient compensation for his time, service and Expences, in the aforesd Service as to yor wisdoms Shall seeme meet and fitt.

And Yor Petition^r as in Duty bound shall ever pray &c^a. — *Mass.*

Archives, vol. 70, p. 334.

Fragmentary accounts of the services of Major Church as the commander of an expedition starting late in the summer of 1696 and proceeding along the coast of Maine as far east as Chignecto on the Bay of Fundy and up the river St. John appear in the notes to chapters 24, 33, 59, and 76, *ante*.

His commission as major is printed in the account of his eastern expedition compiled from his manuscripts, by his son.* Such documents emanating from the Executive solely are not preserved in the archives. Nevertheless, as in the present instance, they furnish the best, and sometimes the only, evidence of the nature of the duties and authority of the officer commissioned. Hence, Church's commission and instructions are given, here, as follows: —

“William Stoughton, Esq; Lieutenant Governour and Commander in Chief in and over His Majesties Province of the Massachusetts-Bay in New-England. To Major Benjamin Church, Greeting

Whereas there are several Companies raised, consisting of English-Men & Indians for His Majesties Service, to go forth upon the Encouragement given by the Great and General Court or Assembly of this His Majesties Province, convened at Boston the 27th Day of May 1696. to prosecute the French and Indian Enemy, &c. And you having offered your self to take the command and conduct of the said several Companies. By vertue therefore of the Power and Authority in and by His Majesties Royal Commission to me Granted, reposing special trust and confidence in your Loyalty, Prudence, courage and good conduct. I do by these Presents Constitute and Appoint you to be Major of the said several Companies, both English-Men and Indians, raised for His Majesties Service upon the Encouragement aforesaid. You are therefore carefully and diligently to perform the duty of your place, by Leading, Ordering, and Exercising the said several Companies in Arms, both Inferiour Officers and Souldiers, keeping them in good Order and Discipline, commanding them to obey you as their Major. And your self diligently to intend His Majesties Service for the prosecuting, pursuing, taking, killing or destroying the said Enemy by Sea or Land; And to observe all such Orders and Instructions as you shall from time to time receive from my Self or Commander in chief for the time being, according to the Rules and Discipline of War, pursuant to the trust reposed in you.

Given under my Hand & Seal at Arms at Boston, the Third Day of August, 1696. In the Eighth Year of the Reign of Our Sovereign Lord William the Third by the Grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, &c.

WM. STOUGHTON.

By Command of the Lient. Governour, &c.
ISAAC ADDINGTON, Secr.”

“Province of the Massachusetts-Bay.

By the Rt. Honourable the Lieutenant Governour and Commander in Chief.

Instructions for Maj. Benjamin Church, Commander of the Forces raised for His Majesties Service against the French and Indian Enemy and Rebels.

Pursuant to the Commission given you, you are to Embark the Forces now furnished and equipped for His Majesties Service on the present Expedition to the Eastern parts of this Province, and with them and such others as shall offer themselves to go forth on the said Service to Sail unto Piscataqua, to joyn those lately dispatched thither for the same Expedition, to await your coming. And with all care and diligence to improve the Vessels, Boats and Men under your command in search for, prosecution and pursuit of the said Enemy, at such places where you may be informed of their abode or resort, or

* The edition referred to in these notes is that of Rev. Henry Martyn Dexter, D.D., Boston, 1867.

where you may probably expect to find or meet with them, and take all advantages against them which Providence shall favour you with.

You are not to list or accept any Souldiers that are already in His Majesties pay and posted at any Town or Garrison within this Province, without special Order from my self.

You are to require and give strict Orders that the duties of Religion be attended on board the several Vessels, and in the several companies under your command, by daily Prayers unto God and reading His Holy Word, and Observance of the Lords Day to the utmost you can.

You are to see that your Souldiers have their due allowance of Provisions and other necessaries, & that the Sick or Wounded be accommodated in the best manner your circumstances will admit. And that good order and command be kept up & maintained in the several companies, and all disorders, drunkenness, prophane cursing, swearing, disobedience to Officers, mutinies, omissions or neglect of duty, be duly punished according to the Laws Martial. And you are to require the Captain or chief Officer of each company with the Clerk of the same, to keep an exact Journal of all their proceedings from time to time.

In case any of the Indian Enemy and Rebels offer to submit themselves, you are to receive them only at discretion. But if you think fit to improve any of them or any others which you may happen to take Prisoners, you may encourage them to be faithful by the promise of their lives, which shall be granted upon approbation of their fidelity.

You are carefully to look after the Indians which you have out of the Prison, so that they may not have opportunity to escape, but otherwise improve them to what advantage you can, and return them back again to this place.

You are to advise as you can have occasion with Capt. John Gorham who accompanies you in this Expedition, and is to take your command in case of your Death. A copy of these Instructions you are to leave with him, and to give me an account from time to time of your proceedings.

Boston, August 12th. 1696.
Eastern Expeditions, vol. II, pp. 94-98.

WM. STOUGHTON." — *History of*

The vote which constitutes this chapter seems to have been the final settlement of Church's accounts with the province, for this campaign.

Chap. 78. This chapter is from archives, vol. 47, p. 166. It is recorded in council records, vol. VI., p. 519. See chapter 57, and note, *ante*.

The following report by the committee appointed December 18, 1696, was read in the House March 23, 1696-7. It was read there a second time on the twenty-fifth, debated, approved, and sent up for concurrence. No vote in the Council upon this report has been found other than this chapter: —

"Whereas the Generall Court or Assembly of his majties Province of the Massachusetts Bay in New-England have appointed us y^e Subscribers a Committee to make a Collection out of the Laws of this Province; of the Powers & Dutyes of Grand Jurors Constables and Tythingmen; that so a Suffycient Number may be Printed to informe the said officers of their Respective Dutys, in order to an exeiteing and quickening of them, to a faithfull Discharge thereof, persuant where unto we are of opinion that the following Acts and paragraphs, be printed together; & that there be not Less in Number then five hundred; that all officers Concerned may be Accommodated with y^e Same; viz^t:

The Act for punnishing Criminall offenders page 16.-21

The Act for Suppressing unlicenced houses pa: 26. 27.

The Act for y^e Better observation of y^e Lords day pa: 28: 29.

The Act for preventing Common Nusances. pa. 30. 31.

The Act for Suppressing unlicenced houses pa: 54-56 & half 57.

The Act for the more Effectuall Suppressing of Drunkenness pa: 99-101.

The Duty of Grand Jurymen taken out of an Act for Grand jurors in pa: 103. wherein it is sett forth in these words. viz^t —

whose Duty it shall be to inquier and Duly present, the Breach of all Such good and wholesome Lawes, as are or shall be established within this Province, and all such misdemeanours as are proper to their inquiry, and the Jurisdiction of said Court.

The Act for the Better Disconery & more Effectuall suppressing of unlicenced houses. page 143. 144.

The Said Committee being also directed to Consider y^e Seuerall pertienlers Contained in y^e memorialls presented by the ministers in order to the Effecting so good a worke as is therein proposed; are of Opinion; That his Hon^r the Lt Gouer^r & Council be humbly Moned to Issue out their Proclamation; Requiering all Justices Grand jury men; Constables, & Tythingmen, Concientiously; & deligently to put in execution; the wholesome Laws, & Acts that are in force Against profaine & Wicked practices according to their Seuerall Dutyes in their Respective Places, and that none of them do neglect the Same as they would avoid Bringing euill upon themselves; and being instruments of pulling downe yett greater Jugments upon this poor Land;

wherefore all Justices are strictly Requierd; to be verry Carefull in their station to see that the wholesome Lawes of this Province against all sorts of wickedness, be put in Execution;

And that they do not fail to gine Sentence; for all Such Breaches of Law as shall happen at any time to be Committed in y^t veiw; & y^t the Law makes y^e veiw of a Justice of Peace to be Conviction; and that the Justices at y^r quarter sessions (or other meetings for such purposes within this Province) do take Care that no Licence be granted to any persons to Keep Publicque houses of entertainm^t but Such as are of a sober Conuersation; and that no more haue Licence granted them to keep such houses, then is Really necessary for the Reliefe & entertainment, of strangers, Travellers & person employed upon Publicque service —

That all Grand Jurors do impartially, and faithfully discharge the trust reposed in them; by making due presentments of all breaches of Law that are Knowne to them or that they Can gitt prooffe off;

& That all Constables & Tythingmen, do not fail to do y^r Duty in presenting to the Justices at their sessions, or other wise, as y^e nature of y^e offence d^{us} Requier; the names Sur names, Conditions, & quallities of all such; as Continue Tipling in Inns, & other publique houses of entertainment especially on the Lords Day; and such as they find Drunke together with those that entertaine them; all profane swears, & Cursers and the Number as nere as they Can of their oaths; All such as are guilty of extortion by takeing more, or greater fees then the Law allows; All such as Keep houses where unlawfull Games are used & such as sell Drinke without Lyeence; the names of such as live Idely without estates, at their owne hands, Suspicious persons, Whores, night Walkers, mothers of Bastard Children; Defects of high Wayes and Bridges, with y^e names of those that ought to maintaine them the Names & Places of Such as Committ Common Nusances; with the Names of any that Can prove any of y^e Said offences: and That all his Majties good Subjects inhabitting this Prouince, do make Conscience (as they would avoid Bring- ing guilt upon themselves) faithfully to informe of all such Breaches of the Law; as they shall Come to y^e Knowledge off; and are a Scandall to Religion

That a Bill be drawne for y^e oblidging all bills of Cost to be taxed d^{uring} the setting of such Court where the Said Costs shall arrise to be Taxed by the prinneer Justice then present;

That a Bill be drawne for the punnishing of all Such, as shall entertaine Children or Servants without the Knowledge & Consent of y^e parents, or masters & mistresses; & y^t such y^t so do shall be Lyable to y^e same penaltyes as those who keep houses of Publike entertainment

that a Bill be Drawne for y^e punnishing of Raylorys Bagbiteing & obecine Language;

that a Bill be Drawne for the punnishing such who Live Idely not haneing Estates; & for y^e more Effectuall setting to worke & imploycing of poor Children that spend most of y^r Time in Idleness —

By order & in the Behalf of the Committe Appointed by the hon^d Gen^l Court —

Boston March 12. 1696/7

4^p JA. RUSSELL." — *Mass.*

Archives, vol. 40, p. 442.

Chap. 79. This chapter is from council records, vol. VI., p. 519. It is preserved in archives, vol. 70, p. 332.

The following is the petition mentioned in the preamble to this chapter: —

"To the R^{tt} hon^{ble} William Stoughton Esq^r L^{tt} Governo^r and Comandr in cheife of his majties Province of the Massachusetts Bay in New England with the hon^d Councill and Representatives thereof now assembled in Gen^l Court held att Boston by adjournment March 18th 1696/7

The Petition of Richard Honnywell of Yorke

Humbly Sheweth

That yo^r Petition^r for Some Time hath been Employed in his Majties and this Countrys Service against the Common Enemy in which Service he hath been wounded Severall Times in his Arme by divers Shott, which has rendred him uncapable of any Servile Labour whereby to procure a lively hood for himself and poore family w^{ch} are now in great want of necessarys for their Subsistance

Yo^r Petition^r doth therefore humbly entreate the favour of this high and hon^{ble} Court to consider his necessitous condition, by being pleased Speedily to order him some thing out of y^e Publick Treasury, for his present Supply, as also that some future and annuall Stipend may be Settled on him in Consideracō of his being rendred uncapable of procuring a Lively hood as aforesd

And yo^r Petition^r as in duty bound shall ever pray &c

The marke R of

RICHARD HONNYWELL." — *Mass.*

Archives, vol. 70, p. 332.

The following certificate accompanied this petition: —

"These are to Satisfie those whome it Shall Concerne that Capⁿ Richard Honnywell of York hath been wounded Sever^l times In his arme by Sever^l Shot, wherby he Is disabled to performe any Servile Labour,

As witness our hands

JOHN CUTLER

JN^o MORRIS." — *Ibid.*, p. 333.

The order in Council* for the payment of this allowance was passed April 8, 1697, and by an entry in the province treasurer's account† the amount appears to have been duly paid.

Chap. 80. This chapter is from archives, vol. 101, p. 74. It is recorded in council records, vol. VI., p. 520.

The following entry in the treasurer's accounts shows that the allowance voted in this chapter was made by the treasurer: —

"Paid Mathew Bowmer Late Constable of Freetown w^{ch} he the s^d Bowmer pd unto Several persons for Billeting souldiers in his Majties service by an Order from Jn^o Phillips Esq^r late Treasurer which order is Lost — allowed by the General Assembly 3^{..} 13^{..} —." — *Mass. Archives, vol. 122, p. 138.*

Chap. 81. This chapter is from archives, vol. 48, p. 274. It is recorded in council records, vol. VI., p. 520.

From the following order in Council, passed July 8, 1695, it seems that Gutteridge had

* Executive Records of the Council, vol. 2, p. 455.

† *Mass. Archives, vol. 122, p. 122.*

been previously paid for similar service upon a motion by the House which has not been found of record : —

“ July 8, 1695. Pursuant to the Act Entituled An Act for granting unto their Majtys a Tax of twelve pence a Poll and one penny on the pound for Estates made and passed at the Session of the General Assembly in May 1694. amongst other things applied to the answering of the contingent charges of this Govern^t.

Ordered That Mr Treasurer do pay unto Rob^t Gutteridge thirty shillings, which sum the House of Representatives moved might be paid unto him for carrying several War-rants from that house into the Countrey. W^m SToughton.” — *Exec-utive Records of the Council*, vol. 2, p. 343.

This year, however, both branches concurred, in the usual form, in passing this chapter.* The order in Council† for the payment of this allowance is dated June 7, 1697, and the following entry appears in the account of the province treasurer : —

“ Paid Robert Gutteridge for his service as a messenger to the house of representatives on a journey to Plymouth allowed by the General Assembly 1^l 8^s. —.” — *Mass. Archives*, vol. 122, p. 136.

Chap. 82. This chapter is from archives, vol. 48, p. 273. It is recorded in council records, vol. VI., p. 520.

The following account filed by Emmes precedes the original draught of the vote which constitutes this chapter and is on the same paper : —

| | |
|---|------------------|
| “ Novmbr 21 th Somoned the Select men milton | <i>mils</i> 7 |
| The Sam day Somoned mag ^r Hunt of waymoth | 15 |
| and the Sam day Somoned the Select men of marchfield | 37 |
| The: 23: Somoned mr Skiff of Sandwich | 63 |
| The Sam day Somoned mr Otis of barn-stabl | 75 |
| The Sam day Somoned mr. Sterges of Yormoth | 80 |
| The Sam: day Sent y ^e Somons to y ^e Select men of Dartmoth; | 70 |
| The: 25: Somoned mr Thomas paine | 100 |
| | <hr/> |
| | 347 |
| | 100 |
| | <hr/> |
| | 447.” |

— *Mass. Archives*, vol. 48, p. 273.

The amount granted by this chapter was included in the £4 10s. paid him out of the province treasury the next year. See resolves, 1697, chapter 23, and note.

1697.

Chap. 3. This chapter is from archives, vol. 101, p. 77. It is recorded in council records, vol. VI., p. 530.

The following letter from Colonel Saltonstall to the province treasurer shows that the attack on Haverhill, in which Thomas Dustun's‡ house was burned and his wife and infant child were taken captive, occurred in March, 1696-7, and not a year later as Hutchinson states : —

“ Hav^l May 31. 1697

Mr Treasurer

Your acco^t: will show, That on January y^e 5th 1696/7 last past, you drew, & sent me your Order charged upon Mr Thomas Duston, then Constable here, for Ten pounds fourteen shillings & eight pence to pay to me on acco^t: of money due to several men as Soldiers under me at Haverhil for y^e Kings service in 1695, by Ord^r from the Country.

I demanded y^e money of y^e s^d Constable: He comes now this day, & tells me, (His acco^t: Viz Mr Thomas Dustons, is not made up wth Your self, & knowes not how to do it without this Certificate.from me.). Because Your Order to me, w^e: was in his hands, in his house, wth other papers, w^h y^e Enimie burnt that & many more in his house in March last, is burnt.

According therefore to Justice & Trnth.

This Certifies Your self & others concerned That the said Constable Mr Thomas Duston did honestly pay to me for s^d Vse mentioned, The Order of Ten pounds fourteen shill: & eight pence above specified; w^e I then endorsed a full Receipt upon, & delivered to him to make up his Acco^{ts}: with; & is y^e same which this Certificate relates unto.

S^r I am Your Servant

NATH^l SALTONSTALL

To James Taylor Esq; Treasurer:

ψ Mr Thomas Duston.” — *Mass Archives*, vol. 101, p. 76.

Duston's wife received from the province treasury a gratuity of twenty-five pounds, by vote of the Legislature, in acknowledgment of her heroic conduct in effecting the escape from the Indian captors of herself and two companions. An account of this exploit is given in the note to chapter 10, *post*.

By chapter 68 of the resolves of the year 1695-6 the province treasurer was authorized to draw upon constables, collectors, etc., in advance of their full returns to the treasury. The order upon Dustun, mentioned in this chapter, was in part pay of the wages and

* Gutteridge was a special messenger only. See note *** on p. 105, *ante*.
† Executive Records of the Council, vol. 2, p. 472.
‡ Dustun's name is here spelled as he wrote it.

billeting of soldiers under Saltonstall on which account he was paid a total of £128 7s. 7d., as appears by the following extract from the province treasurer's account:—

"Paid Coll. Nathan^{ll} Saltonstall for 25 sould^{rs} Posted for his maj^{ties} service
by turnes und^r his inspection at Haverhill from the 22th March ^{1695/6} to
ye 14th Octobr following 91^{''} .6^{''} 1^{''}
Paid Ditto Saltonstall for several p^{rs}ons y^t billeted s^d sould^{rs} 37^{''} .1^{''} 6^{''}"
— *Ibid.*, vol. 122, p. 76.

Chap. 4. This chapter is from council records, vol. VI., p. 530. It has not been found in the archives.

Chap. 5. This chapter is from council records, vol. VI., p. 530. It is preserved in archives, vol. 30, p. 426.

The petition upon which this chapter was founded is as follows:—

"To the Right Honour^{le} W^m Stoughton Esq^r Lt Gov^r and Com^{and}r In Cheife &c: together with y^e Hon^d Council, and y^e Representetives assembled in Gen^l Court, now sitting in Boston May y^e 27th 1697

The pettition of Jonathan Ting of Dunstable Humbley sheweth,

That some time in y^e yeare (1692) Wanalanset y^e Indian sagamore (belonging to patucket vpon Merremack) Came in to dunsta^{le} with some other Indians, and a flagg of truce, and s^d sagamore was desirous to stay with y^e English, y^e other Indians promised to Come againe, but did not, this being before Sr W^m phipps his Arivall, your petetior Informed y^e then Govern^{mt} brought s^d sagamore to y^e Hon^d Mr Danford, who ordered him to be kept at y^e prison in Cambridge, where he remaind for some time, y^e s^d sagamore petitioned that he might be remoued to your petetion^{rs} hous, vpon Sr W^ms Arival I adress^d his Exelencey Concerning this Matter who ordered him to be brought to Boston, to be Examined & ordered him back to Dunstable to your petetion^{rs} hous and ord^d me to supplye him with nessessary provisions & promised it should be pay^d out of y^e publick, Your petetior also p^d his Exspences Coming to Boston and his returne, kept him with food and good p^t of his Cloathing for almost four Years, who then dyed, I was also at some small Charge to bury him, he haueng shewed him selfe friendly to y^e English, in the former warr and Now, Authorety would not suffer him now in his old age to be Ill treated, —

My prayer to this Honour^{le} Court is, y^t You would pleas to ord^r me out of the publick tresury of y^e province, some meet Compensation, for my afors^d Exspence, which I disbuirs^d p^r ord^r of Authorety,

so shall Your pettition^r pray &c." — *Mass. Archives*, vol. 30, p. 426.

This petition was read in the House on the third of June, and a vote was passed granting the twenty pounds. In this vote the Council concurred the next day.

The order in Council* for the payment of this allowance was passed June 7, 1697, and the amount is charged to Tyng in the treasurer's accounts.†

Chap. 6. This chapter is from archives, vol. 70, p. 346. It is recorded in council records, vol. VI., p. 530.

In both the legislative and executive records of the council as well as in the treasurer's accounts‡ the name of the person to whom this grant is made is Darby; but it is clearly written Darbyshire in the original vote which passed in the House on the third of June, and was concurred in on the fourth. The order in Council§ for the payment of this allowance was passed December 15, 1697.

Chap. 7. This chapter is from archives, vol. 30, p. 430. It is recorded in council records, vol. VI., p. 533.

The advice of the representatives to the Lieutenant-Governor and Council early in the summer of 1696 to appeal to the neighboring colonies for assistance against the common enemy has been given in the note to resolves, 1696-7, chapter 24; and the success of Major Church in recruiting volunteers from outside the province appears in his own account quoted in the notes to chapters 59 and 76 of the same year. In preparing for the demonstration in Maine under Major March the next spring extraordinary efforts were made to induce Rhode Island and Connecticut to render material aid to that enterprise, as has been shown in the chapter last cited and the note thereto. It will be remembered that a company was impressed and sent on this service under the command of Captain William Whiting. Upon the expiration of the term for which they enlisted (which was until the end of September) they returned, and were mustered out.

Connecticut had formerly contributed a company of rangers, English and Indian, for service on the western frontier. This company was led by Peter Aspinwall, who is named in this chapter. He had recently incurred the displeasure of the military officers of Hampshire County, and the suspicion of being too well disposed towards the Indians whose professions of fidelity were mistrusted.

This was on account of his releasing the two Indians convicted of being accessaries to the murder of Richard Church in October, 1696;|| but his offence had been condoned by the Governor and Council, upon his making the following apology:—

"Novembr 23 1696

I Petr Aspenall haveing beene Out upon Service agst y^e Indian Enemy & touching at Hatfeild thinking there to have had some of Hatfeild Indians with me w^{ch} wⁿ I first came

* Executive Records of the Council, vol. 2, p. 472.

† *Mass. Archives*, vol. 122, p. 136.

‡ *Ibid.*, p. 120.

§ Executive Records of the Council, vol. 2, p. 511.

|| See the note to resolves, 1696-7, chapter 53.

there Cap^t Partrigg Assented to yet that verry day I came there towards Night News came there y^t an English man was killed Over at Hadley Church by Name Upon w^{ch} y^e English there & My self wth y^e Indians with me went Out & first came in o^r p^rsuite Upon 4 of y^e Hatfeild Indians that were Out One we took & y^e other three came in that Night & were in Examination before y^e Authoritie there at w^{ch} My Indians were Sirprized & much concerned w^{ch} made my Concerns with them y^e More difficult perceiving o^r Indians were much concerned about it & desirous to do what they Could to vindicate those Indians because of there relation to them I being Over Much desirous to Sati[sfy*] them, thereupon Upon their desire of Some of the Hatfeild Indians I too[k*] Out with me two of y^m & their Guns Out of Custady Contrary to the appointment of Cap^t Partrigg w^{ch} I Ought Not to have done as the case was th[en*] Circumstanced besides Severall Expressions I had amongst them which we[re*] justly Offensive w^{ch} was by a Wrong Rep^rsensation of Matters to me & w^{ch} I should have had better Grounds for my so speakeing & acting & in as Much as I being better informed that such actions & Carriages a[re*] to much Reflective & abusive to Authoritie I doe hereby disown my self in them & acknowledge it is an Offence & Earnestly desire it may be forgiven & passed by by y^e Honorable Lt Gov^r & Counsell & all other Gentl^{mn} concerned & I shall Endeavor to walk more circumspectly for tyme to come & alsoe shall willingly ingage my self in y^e Kings Maj^ts Service to y^e best of my Power

PET^r ASPENALL

23^d Nov^r 1696.

Ownd by Pe: Aspinwall

Before y^e Lt Gov^r & Council,

Is^d ADDINGTON Sec^ry." — *Mass.*

Archives, vol. 70, p. 313.

Competent soldiers were not so readily procurable as to make it worth while to bring to strict account a dereliction which could not be shown to be certainly injurious to the service, and particularly when, as in this instance, the result of the fault had tended to pacify Indians who were usually our allies and whose friendship was jeopardized by the action of the authorities. Accordingly, Aspinwall was not only forgiven but urged to remain in the service with his company of rangers. As Connecticut raised the men and, it would seem, supplied them with rations and ammunition, Massachusetts was glad to receive this assistance at the cost of twenty pounds in requital of their services.

By the following extract from a letter from Stoughton to Treat, three days after the passage of this chapter, it would appear that Aspinwall's rangers had been employed as far east as the Merrimac, probably to prevent a repetition of such horrors as the attack on Haverhill in March previous: —

"Your Indians under Peter Aspinwall returned some dayes since having met with little success, saving what they have recovered of Plunder out of the hands of the Enemy and brought in two Indians which they met with in their Range upon Merrimack River who are known to be Albany Indians y^t were in those parts ahunting, and are reserved here to be transmitted unto New Yorke, hoping there may arise some advantage thereby to appease the heats of the River Indians with reference unto two Indians sometime since executed at Northampton for murder. . . . The Govern^{mt} here have been willing to encourage your Indians & have freely bestowed twenty pounds upon them — notwithstanding they would not be prevailed with to go out again before their return home. And it being now a probable season of meeting with the Enemy who have lately made an attack upon Exeter a Town in the Province of New Hampshire, & killed one man & were repulsed without doing further mischief, & afterwards beset a Garrison in Salisbury, to whose relief a party of English were sent, but the Issue thereof I have not yet heard — I hope you will therefore speedily send the s^d Indians out again, with such further enforcement as you shall think fit and that they be directed to remain abroad for some time, and not to return so soon as at their last going forth, that they may gain an opportunity of meeting wth the Enemy & effecting something considerable against them

I am Hon^{ble} Sr

Your affectionate Friend & Serv^t

Boston June 12th 1697.

WM STOUGHTON.

Gov^r of Connecticott." — *Ibid.*, vol 2, p. 254.

In response to the foregoing letter the Governor and Council of Connecticut, at a meeting held at Hartford the nineteenth of June, took action, the record of which is as follows: —

" . . . The Lieu^t Govern^r [Stoughton] also sent an aecount of the return of the English and Indians that went forth against the enemy under the comand of Peter Aspinwall, and desired that they might be reinforced and sent forth again with speed.

A letter drawn to send to Lieu^t Govern^r Stoughton to signifie to him the . . . determination of this Councill to reenforce the English and Indians under Peter Aspinall and to send them forth again with as quick a dispatch as might be, was read in Councill." — *Colonial Records of Connecticut, 1689-1706, p. 218.*

The following is an extract from the letter ordered to be sent as above: —

" Hon^{ble} Sr

. . . Your Honour Informs of the Return of the English and Indians sent forth from our Colonie against the Enemy and the small successe of that Expedition. We are now sending to Captain Sam^l Mason to send them forth again with all speed. And to Give them order to Continue Longer upon the service then in their former Going out. . . .

Hon^{ble} Sr

your most affectionate

friend And Servant

Hartford June 19th 1697:

R. TREAT." — *Mass.*

Archives, vol. 2, p. 255.

* Manuscript mutilated.

Chap. 8. This chapter is from conncill records, vol. VI., p. 534. It is preserved in archives, vol. 40, p. 448.

The account mentioned in the preamble, being a continuation of that settled March 30, 1697,* is as follows:—

“BOSTON IN NEW ENGLAND 1696/7 @

| | The Country to Caleb Ray Keeper of his Majties Goal In Boston since y ^e last accot giuen In the 23 th of March 1696/7 Is | Dr |
|--------------------------|--|----------------|
| Cap ^t Villeau | To Keeping of Cap ^t Villeau from y ^e 23 th of march 1696/7 to y ^e 26 th of May 1697 Is 9 weeks at 5/ ½ week | £ s d 2 5 - |
| Conton & Cowett | To ditto of Conton & Cowett from y ^e 23 th of March to y ^e 26 th of May Is 9 weeks Each at 4/ ½ week | 3 12 - |
| Donoirs | To ditto of Donoirs from d ^{to} 23 th of march. to ditto 26 th of may Is 9 weeks at 4/ ½ week | 1 16 - |
| Premond | To Ditto of J ^{no} Premond from y ^e 23 th of March to y ^e 19 th of Aprill hee was Delliuered by order of y ^e Honn ^{ble} y ^e Lt Gouvernor to David Bassett Is 3 weeks 6 Days at 4/ ½ week | - 15 6 |
| J ^{no} Bleau | To ditto of J ^{no} Bleau from y ^e 23 th of march to y ^e 19 th of Aprill hee was Delliuered by order of y ^e Honn ^{ble} y ^e Lt Gouvernor to Joseph Enerton Is 3 weeks 6 Days at 4/ ½ week | - 15 6 |
| Bellier | To ditto of W ^m Bellier from d ^{to} 23 th of march to y ^e 5 th of may hee was Delliuered by order of y ^e Honn ^{ble} y ^e Lt Gouvernor to John Foster Shipmaster Is 6 weeks 1 day at 4/ ½ week | 1 4 6 |
| Riniera | To ditto of Riniera from 23 th of march to y ^e 26 th of may Is 9 weeks at 4/ ½ week | 1 16 - |
| Fuzill | To ditto of Fuzill from 23 th of march to 26 th may 9 weeks | 1 16 - |
| Champaine | To Ditto of Champaine from 23 th March to 26 th of may Is 9 weekes | 1 16 - |
| Carraban | To ditto of Timothy Carraban Irishman from y ^e 23 th of March to y ^e 26 th of may Is 9 weeks | 1 16 - |
| Loudon | To ditto of Loudon from 23 th of march to y ^e 26 th of may Is 9 weekes | 1 16 - |
| Vaillant | To ditto of Vaillant from 23 th march to 26 th may 9 weekes | 1 16 - |
| Buquerett | To Ditto of Buquerett from 23 th March to 26 th may 9 weekes | 1 16 - |
| Lefleur | To Ditto of Lefleur from 23 th march to 26 th may 9 weeks | 1 16 - |
| S ^t Jean | To ditto of s ^t Jean from 23 th march to 26 th May 9 weeks | 1 16 - |
| Le Violet | To ditto of Le Violet from 23 th march to 26 th may 9 weeks | 1 16 - |
| Lesperance | To ditto of Lesperance from 23 march to 26 th May 9 weeks | 1 16 - |
| Chantillon | To ditto of Chantillon from 23 march to 26 th may 9 weeks | 1 16 - |
| | To ditto of Bomazyn Indian 9 weeks | 1 16 - |
| | To ditto of Sheepcott John his 2 sons 9 weeks Each | 3 12 |
| | | <hr/> 37 8 6 |

Boston 26th may 1697.

Errors Excepted.” — *Mass.*

Archives, vol. 40, p. 448.

With the foregoing account Ray filed the following petition:—

“May It please y^e Honn^{ble} Court to Consider my present Condition and Circumstances, I haue now been neer fifteen months without my Money, haue dayly Continued Charges ariseing for y^e Supply of Victuals, w^{ch} I cannot prouide, Vnless I haue my money duely paid, besides I now ow a Very considerable sum of money w^{ch} I Borrowed & haue had for supply of the Prisoners with. Besides am Threatned to be arrested at July Court for y^e same, I do humbly Request, yo^r Honno^{rs} will take Some Effectuall order & Care y^t my money may be satisfied me, and for y^e future once In a quarter of a year, I should haue my acco^{ts} Brought In vnto y^e Honn^{ble} Councill & passed and Money paid vnto me

Your hombell saruant

CALEB RAY.” — *Ibid.*

The action of the House upon this petition was as follows:—

“In the House of Representatives June 8th 1697.

The within written Account of Caleb Ray prison keeper being read in the House and Examined,

Voted, That the same be allowed and approved of; and that payment be accordingly made out of the province Treasury of the Sum of Thirty Seven pounds Eight shillings and Six pence in full thereof

Sent up for Concurrence

PENN TOWNSEND Speaker.” — *Ibid., p. 449.*

This vote, which the Secretary recast to the form in which it appears in this chapter when he made up his record, was concurred in by the Council on the eleventh.

The order in Council† for the payment of this allowance was passed July 8, 1697. The amount paid by the province treasurer on this account was included in the £205 3s. 7d. charged in his accounts from May 22, 1697, to May 30, 1698.‡

The following list of prisoners was filed with the other papers:—

“Boston In New England 26th may 1697

List of the Prisoners now In my Custodye french & indians

| | | | |
|--------------------------|-----------|-----------|---------------------|
| Cap ^t Villeau | Riniera | Loudon | S ^t Jean |
| Conton | Fuzill | Vaillant | Le Violet |
| Cowett | Champanie | Buquerett | Lesperance |
| Donoirs | Carraban | Lefleur | Chantillon |

* *Resolves, 1696-7, chapter 72.*

† *Executive Records of the Council, vol. 2, p. 482.*

‡ *Mass. Archives, vol. 122, p. 121.*

John Bleau was returned y^e 26th of may by m^r Le Bloom hee not Proceeding wth. Joseph Euerton —

All aboue excepting Carraban are frenchmen but he is one of Cap^t Villeau Company —
Bomazyn Indian
Sheepcott John his 2 sons.

CALEB RAY." — *Ibid.*, p. 450.

Chap. 10. This chapter is from council records, vol. VI., p. 536. It is preserved in archives, vol. 70, p. 350.

The petition upon which the vote which constitutes this chapter was passed is as follows: —

"To the Right hon^{ble} the Liev^t Governor and the Greate and General Assembly of the Province of the Massachusetts Bay now convened in Boston

The Humble Petition of Thomas Dunstan of Haverell

Sheweth

That the wife of yor Petition^r (with one Mary Neff) hath in her Late captivity among the Barbarous Indians, been disposed and assisted by heaven to doe an extraordinary Action, in the just Slaughter of soe many of the Barbarians, as would by the Law of the Province w^{ch} expired a few months agoe, have entitled the actors unto a Considerable Recompence from the Publick.

That tho the expira^{co}n of that Good Law Leave us no claime to any Such considera^{co}n from the publick, yett yor Petition^r humbly Peads* that the meritt of the Action still remains the Same; and it seemes a matter of universall desire thro the whole Province that it should not pass unrecompensed.

And that yor Petition^r haveing Lost his Estate in that Calamity wherein his wife was carryed into her captivity rend^rs him the fitter object for what considera^{co}n the publick Bounty shall judge proper for what hath been herein done, of some consequence, not only unto the persons more Imediately delivered, but also unto the Generall Interest

Wherefore humbly Requesting a favourable Regard on this Occasion

Yor Petition^r Shall pray &c

THOMAS DUSTUN."† — *Mass.*

Archives, vol. 70, p. 350.

This petition was read in the House on the eighth of June, on which day the aforesaid vote was passed, which was concurred in by the Council on the sixteenth.

The order in Council‡ for the payment of the several allowances in this chapter was passed December 4, 1697.

The particulars of Mrs. Dustun's escape are familiar history. On the fifteenth of March, 1696-7, a body of Indians attacked Haverhill and, according to Hutchinson, "burned nine houses§ and killed in all about forty persons."¶ Among the prisoners were Mrs. Dustun, who had recently given birth to a child, and Mary Neff, who was attending upon her as nurse when the Indians attacked the town. Thomas Dustun, the husband and petitioner,¶ escaped from his house with seven children, leaving behind only his wife, her babe and the nurse. The house was burned, and the captive women were forced, by the savages, to march with them towards Canada at so short notice that Mrs. Dustun had not time to properly dress herself. On the way, the babe was killed by being dashed against a tree by the Indian who claimed Mrs. Dustun as his slave. On a small island in Contoocook River in New Hampshire the party halted at the wigwam of the leader where they remained until the morning of the twenty-ninth of April, when the women rose, while the savages, twelve in number, were sleeping, and, rousing Leonardson, an English boy who had been several months in captivity, they with tomahawks dispatched ten of the savages, including the only two men of the party, and succeeded in reaching Haverhill, with ten scalps.** By the act†† of September 12, 1694, a reward of fifty pounds was offered to all volunteers, not under pay, "for every Indian, great or small, which they shall kill, or take and bring in prisoner." The killing was usually proved by the production of the scalp. By the act‡‡ of June 17, 1695, this reward was reduced to twenty-five pounds, for any Indian woman, or person under fourteen years of age. This law had been kept alive by continuing acts and resolves until December 16, 1696, when the order§§ of the sixteenth of June of that year expired.

Captain Pasco Chubb of Andover, who had surrendered Fort William Henry at Pemaquid, had been in prison for nearly a year under the charge of cowardice, and the House improved the occasion of the disaster at Haverhill to animadvert upon the conduct of Nathaniel Saltonstall, colonel of the North Essex regiment, as a means of introducing a resolution in behalf of Chubb, as follows: —

* *Sic.*

† The name was written Dustun, but an *n* was inserted in the first syllable by interlining, in another hand.

‡ Executive Records of the Council, vol. 2, p. 507.

§ In the resolve of the House the number is put at six.

¶ See Chase's Haverhill.

¶ See chapter 3 and note, *ante*.

** "Fourth-day, May 12., . . . Hannah Dustan came to see us; . . . She saith her Master, whom she kill'd, did formerly live with Mr. Roulandson at Lancaster: He told her, that when he pray'd the English way, he thought that was good: but now he found the French way was better. The single man shewed the night before, to Sam^l Leñarson, how he used to knock Englishmen on the head and take off their Scalps; little thinking that the Captives would make some of their first experiment upon himself. Sam. Leñarson kill'd him." — *Sewall's Diary*, vol. I., pp. 452, 453.

†† Province Laws, 1694-5, chapter 10.

‡‡ *Ibid.*, 1695-6, chapter 3.

§§ Resolves, 1696-7, chapter 24, and note.

“Whereas it is reported y^t Coll Saltingstall hath bin very negligent of his Duty as Coll: & that y^e late Damage at Haverell wherein about 40: of his maj^{ties} subjects were Killed & Captivated by the Heathen enemy besides six houses Burnt & much spoile, and yt the said Coll: Did not (as he ought): when he had notice of ye enemies approach take Care to Draw them into Garrison; nor incourage the persute of them when persons offered; that his Hon^{re} will be pleased to make inquiry into said Affair, and see that there may be Due animadversions; w^{ch} may be a proper meanes to prenent y^e like miscarriages —

That Cap^t Chub, who hath Long Laid in prisson may be Brought to his Tryall; the negglect whereof is a greinace

March 22^d Read a first & Second time In y^e House of Represent.

Voted

PENN TOWNSEND Speaker.” — *Ibid.*, p. 336.

Chap. 11. This chapter is from council records, vol. VI., p. 537. It is preserved in archives, vol. 70, p. 351.

The following is the petition upon which this chapter is based: —

“To the Right Hon^{ble} William Stoughton Esq^r Liev^t Governor and commander in cheife of his Maj^{ties} Province of the massachusetts Bay in New England with the Hon^d Council & Representatives thereof now convened in Gen^l Court held att Boston

The Petition of John Pugsley of Harwich in the County of Barnestable —

Humbly Sheweth

That Yo^r Petition^r was a Souldier for the space of Two yeares in the former Indian Warr and in the cold Long and bitter March up to and From Narragansett &c he mett with an unhappy ffall from off an horse by w^{ch} he broke one of his Lower ribbs & much hurt his back, wth w^{ch} afterward he endured an unspeakeable deale of misery, and ever since to this day the same hath rendred him uncapable of any Laborious Employment And being now growne old & well stricken in yeares & not capable to make such provision for his subsistance as otherwise he might have done had not y^e sd accident hapned to him:

Yo^r Petition^r doth therefore humbly Entreate the favour of this high and hon^{ble} Court to take his poore and necessitous condition into Consideracon, by being pleased either to grant him such annuall Stipend, or other bountyfull consideracon for his releife & supply, as to yo^r hon^{rs} Wisdoms shall Seeme meet

And Yo^r Petition^r as in duty bound shall pray &c.” — *Mass.*

Archives, vol. 70, p. 351.

This petition was read in the House on the fifteenth of June and on the next day the vote which constitutes this chapter was passed and concurred in by the Council.

Chap. 12. This chapter is from council records, vol. VI., p. 537. It is preserved in archives, vol. 70, p. 352.

This chapter was passed upon the following petition: —

“To the Rt Hon^{ble} William Stoughton Esq^r Lt Gov^r & Com^dr in Cheife, Council and Representatives now setting in Boston. June 1697 @

The Humble Petition of Samuel Wheelwright

Humbly Sheweth

That your Petitioner hath of late been seuerall tymes Employed in the Publi^c service of this Province, besides formerly much more, for which he hath not Rec^d any sattisfaction or Recompence, viz^t at least a weekes time expended in Giveing the appoynted oaths to the Inhabitants of the seuerall Towns within the County of Yorke, with men & horses attending that service, there dyett, expences & ferridge —

I also spent about a weekes time to settle the seuerall Garrisons in the sd County this spring by Order of the Lt Gov^r myselfe a man, two horses & expences.

And in the yeare 1691. after Cpp^m Willis came away & left his soldjers under the Com^d of his Lt Andross I was Improved as a Com^{issary} for the distributeing & delivering of provisions & cloathing to the soldjers for the space of two months. and Considering the Continual troble, Great difficulty, with y^e Hazard of life, & Considerable Charge I am at not only to Garrison ourselves but to lodge all the soldjers belonging to my Garrison

Your Petitioner Humbly Prays Yo^r Hon^r and the Councils consideration of the Premises and that you please to make your Petitioner such allowance as in your wisdoms shall seeme meete

and yo^r Petition^r shall ever Pray.” — *Mass.*

Archives, vol. 70, p. 352.

This petition was read a first time in the House and the vote thereon passed on the fifteenth of June, and the next day the Council concurred therein.

The order in Council* for the payment of this allowance was passed July 12, 1697, and the treasurer's account shows that Wheelwright was paid this amount.†

Chap. 13. This chapter is from council records, vol. VI., p. 537. It is preserved in archives, vol. 48, p. 276.

* Executive Records of the Council, vol. 2, p. 484.

† *Mass. Archives*, vol. 122, p. 137.

The following is the account presented by Monck upon which this vote was passed:—

| | | | | | | |
|---|---|---|---|---|---|--------------|
| | | | | | "Anno 1686— | |
| The Wor th the Deputy. Gouverneur Thomas Dantforth Esqr; And The Magestrates. of | | | | | y ^e Massathussetts Collony Setting att the Court of Election in Boston on 14 th May 1686./. | |
| May 14 | To Magestrates & Strangers | . | . | . | 20 | £ 1 " 5 " 00 |
| | To attendants | . | . | . | 5 | £ 0 " 5 " — |
| | To wyne | . | . | . | . | £ 0 " 5 " — |
| 18 | To magestrates & minist ^{rs} | . | . | . | 19 | £ 1 " 3 " 9 |
| | To attendants | . | . | . | 6 | £ 0 " 6 " — |
| | To wyne ale & Cakes att y ^e Towne house & home | . | . | . | . | £ 1 " 17 " — |
| 19 | To magestrates | . | . | . | 11 | £ 0 " 13 " 9 |
| | To attendants | . | . | . | 3 | £ 0 " 3 " — |
| | To wyne | . | . | . | . | £ 0 " 3 " — |
| | | | | | £ 6 " 1 " 6. | |

GEORG MONCK." — *Mass.*

Archives, vol. 48, p. 276.

The order in Council* for the payment of this allowance was passed September 2, 1697, and the amount is charged to Monck in the province treasurer's account.†

Monck kept the "Blue Anchor Tavern" which stood on the eastern side of Washington Street nearly midway between State Street and Water Street. Of this hostelry and its proprietor, John Dunton thus writes:—

"Another of 'em was *George Monk*, a Person so REMARKABLE, that had I not been acquainted with him, it wou'd be a hard Matter to make any *New England* Man believe that I had been in Boston; there was no House in *Boston*, more noted than *George Moncks*, or where a Man might meet with better Entertainment; he was so much the *Life and Spirit of the Guests* that came to his House, that it was almost impossible not to be chearful in his Company." — *Life and Errors, p. 129.*

In the appendix (A) to the admirably prepared edition, by the Prince Society, of the "Letters from New England" by the same quaint author may be found an exhaustive discussion of the location of this famous inn.

Chap. 14. This chapter is from council records, vol. VI., p. 537. It has not been found in the archives.

Chap. 16. This chapter is from council records, vol. VI., p. 538. It is preserved in archives, vol. 101, p. 75.

The following is Byfield's account of expenses on this commission:—

"An Account of my Expençe at Rhoad Island; and in my Journy from thence to Hartford, & to Boston, in Company with Coll. Elisha Hutchinson in the service of the Province; viz^t

| | | | | | | | | | | |
|--|---|---|---|---|---|---|---|------------|----|----|
| To the Carriage of my things to Newport | . | . | . | . | . | . | . | 00 | 03 | 00 |
| To my expence, and my mans; & two horses at newport five dayes | . | . | . | . | . | . | . | . | . | . |
| which time I waited on the Generall Court there | . | . | . | . | . | . | . | 01 | 10 | 06 |
| To two horses for myselfe & man for the Journey | . | . | . | . | . | . | . | 03 | 10 | 00 |
| To my man for His time | . | . | . | . | . | . | . | 01 | 05 | 00 |
| Boston May 21 th 1697 | | | | | | | | £ 06:08:06 | | |

NATHAL BYFIELD." — *Mass.*

Archives, vol. 101, p. 75.

A vote allowing this account was subjoined thereto in the House on the fifteenth of June and concurred in by the Council on the seventeenth. It was remodeled to the form in which it appears in this chapter by the Secretary.

The order in Council‡ for the payment of this allowance (including other allowances) was passed July 22, 1697.

The payment is duly charged in the province treasurer's accounts.§

Chap. 17. This chapter is from archives, vol. 113, p. 150. It is recorded in council records, vol. VI., p. 538.

See Province Laws, 1696, chapter 3, § 6.

Chap. 18. This chapter is from archives, vol. 48, p. 278. It is recorded in council records, vol. VI., p. 539.

The order in Council|| for the payment of this allowance was passed July 12, 1697. The amount is duly charged in the province treasurer's account¶ as paid to Stoughton.

Chap. 19. This chapter is from archives, vol. 58, p. 171. It is recorded in council records, vol. VI., p. 540.

The order in Council** for the payment of this allowance was passed July 12, 1697. The amount is duly charged in the province treasurer's account†† as paid to Mather.

* Executive Records of the Council, vol. 2, p. 494.
† *Mass. Archives*, vol. 122, p. 121.
‡ Executive Records of the Council, vol. 2, p. 486, and see note to chapter 24, *post*.
§ *Mass. Archives*, vol. 122, p. 122.
|| Executive Records of the Council, vol. 2, p. 483.
¶ *Mass. Archives*, vol. 122, p. 119.
** Executive Records of the Council, vol. 2, p. 484.
†† *Mass. Archives*, vol. 122, p. 133.

Chap. 20. This chapter is from council records, vol. VI., p. 540. It has not been found in the archives.

The order in Council* for the payment of this allowance was passed July 22, 1697, and the amount was duly charged as paid to the persons named in this chapter by the province treasurer in his account.†

Chap. 21. This chapter is from archives, vol. 101, p. 86. It is recorded in council records, vol. VI., p. 541.

The order in Council‡ for the payment of this allowance was passed July 12, 1697, and the amount was duly charged to himself by the province treasurer in his account.§

Chap. 22. This chapter is from archives, vol. 48, p. 277. It is recorded in council records, vol. VI., p. 541.

The order in Council|| for the payment of this allowance was passed July 8, 1697, and payment of the amount is duly charged to Davenport in the province treasurer's account.¶

Chap. 23. This chapter is from archives, vol. 101, p. 65. It is recorded in council records, vol. VI., p. 541.

Emmes's account of travel, attendance and serving warrants is as follows:—

| “Nov ^r 1696 The Messengers Bill of fees — | | u | s | d |
|--|--|----|----|---|
| To Millton Selectt Men 7 Miles | | 00 | 1 | 9 |
| tto Waymouth Mag ^r Hunt 15 Milles | | 00 | 3 | 9 |
| tto Marshfeild Select Men 37 Milles | | 00 | 9 | 3 |
| tto Dartmouth Selectt Men 80 Miles | | 01 | 0 | 0 |
| To Sandwich Just ^{ce} Chiff 60 Miles | | 00 | 15 | 0 |
| tto Barnstable M ^r Oeatts 74 Milles | | 00 | 18 | 6 |
| tto Yarmouth M ^r Storges 80 Miles | | 01 | 0 | 0 |
| tto Estham M ^r Payn 100 Milles | | 01 | 5 | 0 |
| tto 7 Days In the Houses Servis my Horss and my self att 3 ^s P ^y day | | 01 | 1 | 0 |
| tto serving of 8 Warantts att 3 ^s P ^y Warantt | | 01 | 4 | 0 |
| | | 07 | 18 | 3 |

HENRY EMMES Messeng^r.” — *Mass.*

Archives, vol. 101, p. 65.

The last allowance** to him partly covered these charges leaving a balance due to him on the whole account of £4 10s. This amount the House voted to him on the sixteenth of June and on the eighteenth the Council concurred.

The order in Council†† for the payment of this balance was passed July 1, 1697, and the province treasurer's accounts show that it was duly charged to Emmes as paid.¶

Chap. 24. This chapter is from archives, vol. 101, p. 85. It is preserved in council records, vol. VI., p. 541.

The order in Council‡‡ for the payment of this allowance was passed July 22, 1697, and the payment thereof was duly charged in the province treasurer's accounts.§§ In this charge the previous grant to Byfield (chapter 16, *ante*) of £6 8s. 6d. was included.

Chap. 25. This chapter is from archives, vol. 101, p. 88. It is recorded in council records, vol. VI., p. 542. See resolves, 1695-6, chapter 68 and note.

Chap. 26. This chapter is from archives, vol. 3, p. 59. It is recorded in council records, vol. VI., p. 542.

The Council passed the following order making provision for the reception and lodging of the Governor and his retinue, but Bellomont did not arrive as expected (see note on p. 211, *ante*):—

“June 25, 1697. Pursuant to a vote of the General Assembly, recommending it unto this Board to make suitable Provision for the reception of the Right Hon^{ble} Earle Bellomont, appointed his Maj^{ty}'s Governour of this Province &c^a and expected shortly to arrive here.

Ordered: That Wait Winthrop, Elisha Cooke, Samuel Shrimpton and Peter Sergeant Esq^{rs} be and are appointed to take up the best most convenient & suitable Lodgings which they possibly can procure for a present entertainmt^t of his Lord^{sh} with his Retinne upon his arrival, until other accommodations may be provided for settlement to his Lord^{sh}'s satisfaction; and to lay in stores of Wine, Beer and other refreshments and Provisions as may be suitable.

And to present an account of the charge thereof, that order may be drawn upon the Treasury for payment.

Executive Records of the Council, vol. 2, p. 478.

W^m STOUGHTON.” — *Exec-*

Chap. 28. This chapter is from council records, vol. VI., p. 547, and archives, vol. 11, p. 125.

The following is the petition referred to in the preamble to this chapter:—

* *Executive Records of the Council, vol. 2, p. 485.*

† *Mass. Archives, vol. 122, p. 120.*

‡ *Executive Records of the Council, vol. 2, p. 484.*

§ *Mass. Archives, vol. 122, p. 119.*

|| *Executive Records of the Council, vol. 2, p. 481.*

¶ *Mass. Archives, vol. 122, p. 136.*

** See resolves, 1696-7, chapter 82.

†† *Executive Records of the Council, vol. 2, p. 479.*

‡‡ *Ibid.*, p. 486.

§§ *Mass. Archives, vol. 122, p. 122.*

“To the Right hon^{ble} the Lieut^t Governour, with his honourable Council and y^e Representatives —

Convened in General Assembly for his maj^{ties} Province of the Massachusetts Bay in New-England

we The Subscribers, (in behalf of the Parish of Barwick)

Humbly Shew

1. Whatsoever Building, Shipping, or Fishing the town of Kittery is Concerned in, doth not pertain, any of it, to Barwick, neither are any persons thereof Interested therein.

2. The greater part of y^e sd parish is wholly wasted by the enemy

3. Our principal dependence hath been on Mills, which brought the most of our incomes to us: w^e are all burnt or by the war made Useless.

4. The whole Parish (remaining) is much exposed to the danger of the war; & as much a frontier place as any town in the prov^{ce} every one being Closely Confined to Garrison, and Cannot attend their Ordinary Occasions, w^{tho}ut extreme danger.

5. Our Inhabitants are generally Exceeding poor, & not w^{tho}ut great Scarcity & Suffering able to live.

6. The Enemy have very Lately destroyed Seveveral men, made some widows, & wounded others, whereby much of their Little estate will be expended if not all wasted.

7. Our Crops of Corn (w^e at best are very small because of y^e want of safe Land) have Extremely faild; the last year not a tenth part (scarce) of grain being raised w^{ch} y^e people needed for their years Provision, Inso much, that, several families might have perished wth hunger, had not y^e Charitie of o^r Connecticut-Neighbours prevented

8. We are very much oppressed by y^e maintainance of poor y^t are Continually admitted at Kittery

9. We have been forced (by y^e Continuance of y^e War) to expend not a Little in Repairing all o^r Garrisons.

10. Although we have been by degrees almost utterly Consumed by this tedious war y^et, Rates have fallen very frequent & heavy upon us.

We humbly petition, y^t yo^r Honor^s would Consider of these things & Believe, that unless o^r Intreaties find audience, we must of nesessity, before long, Quit all y^e Little we have Left, & flee before the enemy;

And to prevent Such a Ruine to o^r selves, & dammage to His Maj^{tie} & yo^r Honor^s we beg —

1. That, whereas by o^r numerous Calamities we are rendred incapable to maintain the Publiq; worship of God among us (although to o^r utmost ability we endeavour it) without your help, Your honours would, while o^r sufferings are so Deep, please to grant us the sum of twenty pounds a year, for that end, by the addition of w^{ch} & no Less, to what we may raise among o^rselves, we hope to accomplish it.

2. And, that we may receive for the Year Past, to y^e same end, the sum of ten Pounds, which we have already petitioned the Hon^{ble} Liev^t Gov^r & Council for, as presuming it was granted in y^e year 1695 w^{tho}ut which it will be hard to pay o^r Last years arrears to y^e ministry.

3. And Lastly we would Request y^t we in y^e aboves^d Parish may be Considered in regard to the present & future Rates, for we are wholly unable to pay them, & stand in need of relief (o^rselves) in almost all respects.

If o^r Condition thus faithfully Represented (tho' not fully) meet not with yo^rs Honor^s favor, we are (unless God unexpectedly & speedily Change his dispensations of Judgm^t into mercy) Quite undone: but if Yo^r hearing affects you wth a Compassionate resentm^t of o^r woes, we are then, more than others, Obliged to acquitt o^r selves

Yo^r Honour's

Very Obedient Serv^{ts}

Barwick Sept 4. 1697.

| | |
|----------------|---|
| THOMAS ABBOTT | } Select men and Others Chosen for this End by the Parish of Barwk." — <i>Mass.</i> |
| BENIAMIN NASON | |
| DANIEL GOODIN | |
| JAMES EMERY | |
| THOMAS GOODING | |
| JAMES WARREN | |

Archives, vol. 11, p. 125.

The parish, by a vote, of the record of which the following is a copy, chose James Emery to present and prosecute the above petition: —

“At a meting held at Barwick by y^e parish of Barwick Sept^m y^e 3: James Emery was Chosen to go to Boston to Represent y^e Condition of our parish before y^e Gouener & General assembly: with y^e greunences of our sd parrish presented & to Recieve what healp shall be Granted by y^e same as att tests
NICOLAS GOWEN *Clar.*” — *Ibid.*

The petition was “read a first and second time,” in the House, on the tenth of September, and thereupon the vote which constitutes this chapter was passed in concurrence.

An order in Council* for paying the ten pounds allowed for “the year last past” was passed on the fifteenth of September; and the province treasurer's accounts† show that both that allowance and twenty pounds for the next year were duly paid.

The need of some extraordinary provision for the maintenance of a settled ministry in the frontier towns had already engaged the serious attention of the Council, as is shown by the following order: —

“Jan. 21, 1696-7. Whereas the propagation and enlargement of the glorious Gospell and Kingdom of Our onely Lord and Saviour Jesus Christ is the professed and principal end of the first settlement of this his maj^{ty}s Territory. And forasmuch as several remote and Infant Plantations have not hitherto entertained and settled the Ministry amongst them.

* Executive Records of the Council, vol. 2, p. 499.

† *Mass. Archives*, vol. 122, pp. 135 and 142.

Ordered: That it be recommended unto the Ministers of the several Towns not Frontier to the Enemy to aske the Contribution of all pious and well disposed persons within their respective Congregations, to be employed for the settlement of the Ministry in such places as aforesaid, that Souls may not perish for lack of vision; the sum and sums so contributed to be transmitted and put into the hands of Edward Bromfeild of Boston Esq^{re}, to be prudently disposed and imployed to the uses aforesaid and no other by and with the approbation & direction from time to time of the Ministers at their usual meetings after the weekly Lecture in Boston.

W^m SToughton. — *Executive Records of the Council*, vol. 2, p. 442.

Chap. 30. This chapter is from archives, vol. 101, p. 91. It is recorded in council records, vol. VI., p. 519.

For an account of the committee on debentures, see note to chapter 71 of the resolves of the year 1696-7.

The preamble to this chapter gives the reason for its being passed; and in the note to chapter 76 of the resolves of the year 1696-7, will be found some account of the extraordinary preparations for war, the expenses of which had so greatly reduced the money in the province treasury as to render necessary the passing of this vote, or the adoption of some equivalent measure.

Chap. 31. This chapter is from council records, vol. VI., p. 551, and archives, vol. 59, p. 225.

The act* of 1696, "for the due assize of bread," although signed by the Lieutenant-Governor on the third of December was not published until the nineteenth. Through "their ignorance of the law," several of the loaf-bread bakers of Boston had been guilty of combining to sell "white biscuit" by weight, contrary to the new law. Thereupon they were summoned to appear before the General Court, on the sixteenth, for causing the town crier to publish their illegal agreement. The following is the record of the doings of the Court in this case:—

"Dec. 16, 1696. Several of the Loafe Bread Bakers in Boston namely Joseph Brisco, Alexander Pullman, Nathaniel Baker, William Briggs, John Buckannon, and Humphry Richards were convented before the Court for Causing the Town Cryer to Publish. That they had agreed together to Sell white Biskett at four Pence P^{r} pound Contrary to a Late Act providing y^t Such Biskett should be of the Same Assize of Bread, and Sold by Tale The Bakers pleaded their ignorance of the Law, humbly Acknowledging their Error, And prayed the Courts pardon, professing they did it not in any Contempt, And were Admonished, and Dismissed." — *Council Records*, vol. VI., p. 502.

At the third session of the General Court this year the following petition by certain of these bakers was presented, and was first read in the Council on the fifteenth of October:—

"To the honourable the Leiv^t Governor and Councill And Representatives in the Generall Court assembled./

The humble Peticoñ of the Loafe-bread Bakers inhabiteing in and abot Boston./
Sheweth

That your Peticōners in and by one Act Intituled an Act for the due Assize of Bread are obliged to make all Bisquet sold by Tale of an Equall weight with the penny loafe which is utterly impossible for them to doe unlesse your peticoñers sustaine an apparent losse by soe doeing for except your peticoñers doe allow very considerably more in weight to the Bisquet then the Act injoynes them to allow to the penny loafe the Bisquett can never be of the same Assize with the penny loafe it wasting soe extraordinary much in the Bakeing.

That formerly it was accustomed to allow and your Petrs have been allowed six pence advance in every bushell of Corne to enable them to sustaine the Losses they are subject to by haveing their Comodities lye upon their hands and to incourage them to carry on their Trade the same being absolutely necessary as well here as else where which hath not lately been granted but taken off to yo^r peticoñers great damage for which reasons./

Yo^r Peticoñers doe humbly pray yo^r hono^{rs} to take into your serious consideracon the hardship layd on yo^r peticoñers by the before recited Act and the advance upon the Corne being taken off And that your honours would be pleased to admitt yo^r peticoñers to be heard by their Councell before yo^r hono^{rs} concerneing the p^rmisses Or by some Act to grant them releife therein./

And yo^r Peticoñers shall ever pray &c." — *Mass.*

Archives, vol. 59, p. 225.

Thereupon, a committee was appointed by the vote which constitutes this chapter. No report by this committee has been found, and no change in the law respecting the assize of bread seems to have been made until July, 1720.†

Chap. 32. This chapter is from archives, vol. 11, p. 125. It is recorded in council records, vol. VI., p. 551.

The proclamation issued upon this vote constitutes the next chapter.

Chap. 33. This chapter is from archives, vol. 11, p. 125. The failure of the great expedition fitted out by the French for the destruction of the English colonies in America, which has been referred to in notes to former chapters, was the chief cause for the thanksgiving appointed by this chapter.

Chap. 34. This chapter is from council records, vol. VI., p. 553, and archives, vol. 62, p. 215.

* Province Laws, 1696, chapter 9.

† *Ibid.*, 1720-21, chapter 2.

The petition mentioned in the preamble to this chapter is as follows :—

“To the Rt^h honorable William Stoughton Lt Gov^r & comādr in Cheife of his majties Province of the Massachusetts Bay with the Hon^d Council & representatives now sitting in Gen^l Court att Boston

The Petition of Robert Howard of Boston merch^t in behalf of him self and other the own^{rs} and ffreightors of the Late ship named the Providence michael Gill mast^r

Humbly Sheweth

The s^d ship being anew vessell and haveing only made one voyage from Boston to Barbados, and coming thence for new England, on the 28th of Septemb^r last past by an Accident the s^d Vessell suffred ship wreck upon Hardings Rocks (soe called) nigh unto Nantaskett whereby the s^d vessell was soone beaten To peices, and much of her Cargo Lost, Soe that there was butt a Small quantity of Rumm Saved by being driven on shoare which through the badness of the Caske had much Salt water mixed therewith, and besides were att considerable charge for Salvage thereof. Now Forasmuch as they have been very considerable Loosers by the aforesd accident

Yor Petition^r in behalf as aforesd humbly prayes that this high and hon^{ble} Court will take the premisses into considera^{on} Soe as that the Impost of the said Rumm Soe saved as afores^d may be remitted unto the P^{rs}ons concerned therein

Boston Octobr 13th 1697

Soe shall he pray &c

ROBERT HOWORD.” — *Mass.*

Archives, vol. 62, p. 215.

The following is the account referred to in the vote :—

“Accott of what Rum Cask has bin Taken up from y^e wreck Lately Cast away on Hardens Rocks, Some near full & Some half out mixt with Salt water

| hhds | Tierces | Barr ^{ls} |
|--------|-----------|--------------------|
| 8 1 | AB 4 | FI 5 |
| 4 4 | 4 2 | DL 2 |
| P 2 | B 1 | <u>7</u> |
| F 2 | F 1 | |
| EF 2 | WH 1 | |
| FI 1 | H 1 | |
| MR 2 | OB 1 | |
| IF 14 | | |
| 28hhds | 11: Tier. | |

14— 3 of y^e Own^{rs} which are all of y^e 35 hhds Much of which is near half. out & mixt with Salt watter

ROBERT HOWORD.

HO: 8 8³ the owners mark.” — *Ibid.*, p. 214.

The above petition was read, first, in the House on the fourteenth of October. No record of the proceedings between that date and the nineteenth, when the vote was passed in concurrence, has been found.

Chap. 35. This chapter is from archives, vol. 101, p. 92. It is recorded in council records, vol. VI., p. 553.

By the act* of June 18, 1697, for granting duties of impost, excise, and tonnage of shipping, three commissioners were to be appointed by the General Court as commissioners of excise,† with power to farm out the whole or any part thereof.‡ On the nineteenth, the three persons named in the preamble to this chapter were thus appointed.§ On the ninth of September the House passed the following order, which was sent up to the Council for concurrence :—

“Septemb^r 9th 1697. In the House of Representatives.

Ordered That Maj^r John Walley Capt. Nathaniel Byfield, and Maj^r James Converse Commissioners for ffarming out the Excise of this province for the Year ensuing, shall be allowed and paid out of the publick Treasury the Sum of Twenty pounds for their Service and expences abt the same, the s^d Sum to be equally divided among s^d Comissioners.” — *Mass. Archives*, vol. 101, p. 90.

On the tenth of September, which was the last day of the second session, the Council voted a nonconcurrence, and no further action upon this subject appears of record until the eighteenth of October, when the House passed the vote which constitutes this chapter, and on the next day it was concurred in by the Council.

* Province Laws, 1697, chapter 3.

† *Ibid.*, § 16.

‡ *Ibid.*, § 13.

§ Council Records, vol. VI., p. 542.

In making up his record, the Secretary altered the vote so as to make it appear that the allowance to the commissioners was "for their Service, and Disbursements in farming of the said Excise."*

The order in Council† for the payment of this allowance was passed November 10, 1697, and the treasurer's accounts‡ show that the amount was paid for "service & disbursements," as recorded by the Secretary.

The commissioners, having by law their election either to collect the excise at the rate specified in the act, or to commute with any retailer for a gross sum, or to farm out the whole or any part thereof, chose the last alternative and farmed the whole to Elisha Hutchinson and Penn Townsend,§ two members of the Legislature, — the former a councillor, and the latter a deputy from the town of Boston.

Chap. 36. This chapter is from council records, vol. VI., p. 553. It is preserved in archives, vol. 70, p. 362.

The following is the petition upon which this chapter was founded: —

"To the Greate and Generall Court of the Massachusetts Bay in New England now convened att Boston

The Petition of John Wing of Boston —

Humbly Sheweth

That Yor Petition^r [¶] ord^r of Sr William Phipps Served this Province att Pemaquidd for a considerable Time in building the Late Fort there, for w^{ch} the said Sr W^m Phipps in the name of the Province promised to give yor Petition^r One hundred Pounds, none of w^{ch} to this day your Petition^r hath recd altho he hath divers Times petitioned This hon^{ble} Court for the same. Besides w^{ch} there is due to yor Petition^r for his service, and wages pd to sould^{rs} and dieting y^m in Sr Edmond Androsses Time, One hundred and Tenn pounds as may appeare by y^e account thereof made up by a comitte of this present Govern^t, as also Twelve pounds more due to him for billitting of souldiers w^{ch} came to Boston from y^e Port Royall Expedition,|| und^r y^e Comand of Capⁿ Thomas Barnard all which amounts unto the Summe of Two hundred Twenty Two pounds.

Now Forasmuch as yor Petition^r for a Considerable Time hath been out of Employment, he is thereby in much want of said Moneys for the Sustentation and Support of his family

Yor Petition^r doth therefore humbly pray that this high & hon^{ble} Court will Take the premisses into considerac^{on}, Soe as that some speedy payment of sd moneys may be made to him./

And yor Petition^r as in duty bound shall ever pray &c

JOHN WING." — *Mass.*

Archives, vol. 70, p. 362.

This petition was read in the House on the fifteenth of October, when the following vote was passed thereon: —

"In Answer to this petition

Voted, That the hundred & Tenn pounds w^{ch} he claims to be due in Sr Edmund Andross's, time, it is deferred to be accounted with other charges that were contracted in y^t day; and that for a Gratuity for his Extraordinary Service done at Pemaquid ffort, besides his Ordinary wages he is allowed Twenty pound to be paid out of the publick Treasury, if nothing hath been before allowed in that respect; and if anything be yet due to him for billeting of Souldiers under the Command of Cap^t Barnard, he is referred to the Committee for granting Debentures." — *Ibid.*

In this form, the vote was sent up to the Council and concurred in; but the Secretary recast it in the form in which it appears in this chapter. It will be noticed that as originally drawn the vote was responsive to each prayer of the petitioner. The compensation which he asked for on account of military services and expenses for the province was for the commissioners for war, or the committee on debentures for the war, to ascertain and meet by the issue of a debenture or debentures — the only proper voucher to the treasurer for this class of expenditures. The debts incurred by the government during the administration of Andros were under consideration by another committee, and in due time would be acted upon; so that the grant to him in this chapter of a sum so much less than he claimed did not necessarily imply a refusal of any part of his demand.

* Council Records, vol. VI., p. 553.

† Executive Records of the Council, vol. 2, p. 505.

‡ Mass. Archives, vol. 122, p. 122.

§ *Ibid.*, p. 123.

|| Sir William Phips surprised and captured Port Royal on the twenty-first of May, 1690, and his forces returned to Boston on the thirtieth. In regard to the date of this capture, historians differ; but it seems to be settled in Documents Relating to the Colonial History of the State of New York, vol. IX., p. 921.

The following is the account of billeting Captain Barnard's men by Wing, who kept a famous tavern in Boston: —

| “1690 Captain Thomas Barnet | | Dr |
|--|-----------------------------------|-------------|
| to quart[er]s for his Compey | | |
| May 30 | ff* 31 sollgers | 01:11:00 |
| May 31 | ff 31 sollgers | 01:11:00 |
| Jun 1: | ff 26 sollgers | 01:06:00 |
| 2 | ff: 30: sollgers | 01:10:00 |
| 3 | ff 30 sollgers | 01:10:00 |
| 4 | ff 34 sollgers | 01:14:00 |
| 5: | ff 31 sollgers | 01:11:00 |
| Jun: 6: 7: 8: 9 | ff 6 sollgers Each day | 01:04:00 |
| Jun 10:11:12:13: | ff 6 sollgers Each day | 01:04:00 |
| Jun 14:15:16:17: | ff 6 sollgers Each day | 01:04:00 |
| Jun 18:19:20:21 | ff 6 sollgers Each day: | 01:04:00 |
| Jun: 22: 23: 24: 25: | ff 6 sollgers Each day | 01:04:00 |
| Jun 26:27: | ff 5 sollgers Each day | 00:10:00 |
| Jun 28:29:30: | ff 6 sollgers Each day | 00:18:00 |
| July 1: 2: 3: 4: | ff 6 solgs Each day | 01:04:00 |
| July 5: 6: 7: 8: 9: | ff 6 sollgers Each day | 01:10:00 |
| July 10:11:12 | ff 6 sollgers Each day | 00:18:00 |
| July 13:14:15: | ff 6 solgers Each day | 00:18:00 |
| July 16:17:18:19: | ff 6 sollgers Each day | 01:04:00 |
| July 20:21:22:23 | ff 4 sollgers Each day | 00:16:00 |
| July 24:25:26:27: | ff 4 sollgers Each day | 00:16:00 |
| July 28:29 | ff 4 sollgers Each day | 00:08:00 |
| | | 25:15:00 |
| som Dr: | | 25 15 00 |
| I Receaned then from Cap Thomas Barnet in part | | 13:15:00 |
| den to ballene | | 12:00:00 |
| | | JOHN WING.” |

— *Ibid.*, p. 363.
The order in Council† for the payment of this allowance was passed December 31, 1697; and the province treasurer charged the amount as a gratuity paid to Wing.‡

Chap. 38. This chapter is from council records, vol. VI., p. 555. It is preserved in archives, vol. 70, p. 309.

The following is the petition upon which this chapter was founded: —
“To the Truly Hon^{ble} The Leivt Governour William Stoughton Esqr, & his hon^{ble} council, wth y^e Honble Representatives, of y^e Greate & General Court of His Maties Province of y^e Massachusetts Bay in New England, Conveened at Boston, there to assemble, Novembr^e y^e 18th 1696.
The Humble Representation & address of John Pynchon of Springfield yor Honors Faithful servant, who in yor Honors Employ as Commander of y^e Regim^t of Militia in Hampshire, Hath according to his ability vnwearyedly served, y^e countrey Foure yeares & Halfe, ever since y^e arrival of Sr W^m Phips: In w^{ch} service he hath laid out himselfe more then a litle for y^e Publike:
This end of y^e Province Having in this time of War bene Infested wth y^e enymys several attempts vpon or Townes, w^{ch} hath occasioned yor Petitioner, to spend a greate part of his time every yeare, in attending y^e Duty of his Place & Command, Besides much expence otherwise therein: For all w^{ch} He never had any y^e least consideration or allowance for y^e same, Having hithertoe silently gon through al y^e expence both of his time & estate, wthout laying y^e same before yor Honors Til now y^t he finds it more heavy through y^e many & often Incursions of y^e enymy of late, Thereby Putting him vpon more & further service, by continual orders Impresses & sending out men, Besides y^e Inspecting of y^e Garrisons at Dearefeild & Brookefeild, The care & ordering of al, Having wholly layne vpon yor Petitioner whose ready attending his duty therein vpon al occasions especially in times of greatest exigency for y^e Publike advantage, He shal leave to others to speake, It being knowne to y^e Representatives of or Townes, wherefore he forebeares to Inlarge thereon, & only craves yor due consideration of Him, who hath bene Intent in doing service for y^e Publike wth al chearefulness: —
That Devine Interogation, who goes a Warfare at any time on his owne charges, as a Possitive assertion & Infallible Maxime, assures him y^e Hopes, That He shal be Pertaker of his Hope: And Imboldens yor Petitioner, From the Premises, To aske yor Honors meete Grattification & ordering him such a due allowance as yor Hon^{ble} selves, This General Assembly shal Judge a meete Compensation for his Past & already chearful service hethertoe in this time of War, w^{ch} wil be an obligation vpon him to Psist in whatever further service he is capable off —
Praying That y^e Alwise God may sit among yoⁿ & direct yoⁿ in al y^t is before yoⁿ to such conclusions & devine sentences as may make for his Glory, his Peoples Weale & yor owne everlasting comfort, I humbly subscribe
Yor most willing Suppliant
& devotedly faithful Servant
Springfeild Nov^r 12th 1696
Archives, vol. 70, p. 309. JOHN PYNCHON.” — *Mass.*

* *Sic*: for.
† Executive Records of the Council, vol. 2, p. 516.
‡ Mass. Archives, vol. 122, p. 135.

It will be remembered that Pyncheon was disappointed in his expectation of some extra compensation, besides his wages as a military officer, for his service on the commission to Albany, in August, 1694.* It has appeared in several of the preceding notes that his duties were not only as arduous, and dangerous as, ordinarily, are those of any soldier in active service, but that he was called upon at the same time to perform judicial and administrative functions in cases of great difficulty, and even to act diplomatically where the object to be attained required the exercise of sound discretion, superior wisdom and peculiar tact. All these duties he seems to have performed acceptably; hence, even at this remote day, it causes sincere regret that the condition of the province treasury prevented his receiving a more adequate requital than the pitiful ten pounds in the province currency which he was granted in the vote upon which this chapter is founded. The above petition appears to have been first presented to the Legislature of 1696, in the third session. A memorandum upon it shows that it was read on the ninth of December. It came up again for consideration in the House, October 15, 1697, when it was read and the House thereupon voted that he be "allowed and paid out of the public treasury, for his extraordinary service and charges, the sum of ten pounds." The Council concurred in this vote on the twentieth, and upon this foundation the Secretary constructed the present chapter as the form in which it should stand on his record.

The order in Council† for the payment of this allowance was passed December 4, 1697, and in the province treasurer's accounts‡ the ten pounds are charged as paid to him, and the consideration is stated in the words of the Secretary's record.

Chap. 39. This chapter is from council records, vol. VI., p. 555. It is preserved in archives, vol. 101, p. 95.

The story of Major John March's expedition to Maine in the summer of 1697 is very briefly and imperfectly told by Mather,§ and still more unsatisfactorily by Hutchinson, who follows him. By the entries in the accounts of the province treasurer, however, it appears that this expedition consisting of five companies of militia, not including, it would seem, fifty men from Connecticut under command of Captain William Whiting, went by water and that the whole period of service of Major Church was from the nineteenth of June to the twenty-fifth of October, although the chaplain appears to have been employed from the twelfth of July to the thirteenth of September. The vessel which bore the commander (and probably the rest of his little fleet of transports) sailed from the Merrimac at Newbury. The first objective points seem to have been York and the fort at Saco which it had been the object of Gedney's expedition the year before to demolish. The purpose of this expedition being to anticipate a descent of the French and Indian enemy upon the eastern frontiers, March, at first, sent out scouts for reconnoitring the woods in the vicinity of York and Wells. Later the little army reëmbarked and sailed for Casco Bay, and thence to the mouth of Damariscotta River where, on the ninth of September, they had an encounter with the enemy in which there were some losses on both sides. After this engagement, March, deeming his mission accomplished as far as practicable, returned to York and sent express to Boston a letter informing the Lieutenant-Governor of his arrival there and of his success. Thereupon, on the fourteenth, the following proceedings took place:—

"Sept. 14, 1697. His Honour the Lieut^t Gov^r laid before the Board a letter which he received by express from Major March the last night from Yorke, advising of his returne thither with the Forces under his command from their expedition Eastward with an account of their engagement with the Enemy, French and Indians supposed to be two hundred in number, and a List of the names of the Officers and Souldiers Slain and wounded in the said engagement, supposing the loss of the side of the Enemy to be as great (if not more) who were beaten off the ground & fled into the Woods, making their escape in their Canoes.

Upon reading whereof his Honour proposed that another expedition might be forthwith formed for further prosecution of the Enemy, and that Colo Gedney, Colo Phillips and Captⁿ Byfield be desired and instructed forthwith to undertake a Journey to Yorke, to visit the army, and to confer and consult with Major March and the other Commanders, of the wayes and methods for prosecuting the Enemy, and to animate and encourage the same, and that the Government of Connecticut be written to for the continuance of their part of these Forces for some longer time. All which was advised accordingly." — *Executive Records of the Council*, vol. 2, p. 497.

Stoughton, on the same day, in conformity with the above advice, wrote to Connecticut the letter which is printed in the note to chapter 76 of the resolves of the year 1696-7.

Gedney declined the appointment; but the others accepted and performed the duty required of them, incurring the expenses shown in the following account:—

"An Acco^t of Money Expended By Coll John Phillips and Nathl^l Byfield in a Journy to Yorke, being sent Thither in y^e Service of y^e Province, By the Right Honou^{ble} the Lt^t Gouver^r & Commainder in Cheife;

| 1697 | | <i>li</i> | <i>s</i> | <i>d</i> |
|-------------------|--|-----------|----------|----------|
| Sept ^r | 16 th spent in a Journy to Salem & Backe againe | 0. | 14. | 00 |
| | 17 pd fferrage & expence at Winnysimmet | 0. | 05. | 00. |
| | pd Charges for our selues horse & men at Ipswich | 0. | 12. | 00. |
| | To our expence & fferrage at Newberry | 0. | 06. | 00- |
| | To our expence at Hampton | 0. | 06. | 06. |
| | 18 th To our expence for our Selues & horses at Portchmouth | 0. | 08. | 00- |
| | To y ^e fferrage of our selues & y ^e Gentlemen y ^t went with us to y ^e yorke & y ^e horses | 0. | 11. | 00. |

* Resolves, 1694-5, chapter 17, note.

† *Executive Records of the Council*, vol. 2, p. 508.

‡ *Mass. Archives*, vol. 122, p. 135.

§ *Magnalia*, vol. II., book VII., article XXVI.

| | | u | s | d |
|--|---|------------|-----|-----|
| 1697 Sept ^r 18 th | pd Capt Daniell at yorke for 55 Dinners wch ourselues & Gentle- men from Portchmouth & officers there did eate upon satterday Sabbath day & munday. being y ^e 18 th 19 th & 20 th days of Sept ^r ; and for Drinke at y ^e said meales | 4. | 08. | 00- |
| | pd nine Quarts & a pint of Rume wch was giuen amongst y ^e soldiers to each a Dram | 0. | 14. | 06- |
| | pd Keeping of our horses at yorke & spent at Cap ^t Phillips Lodg- ing, where we had a meeting of y ^e major & Cap ^{ts} & Gentlemen from y ^e Banke the 18 th Sept ^r | 0. | 12. | 00 |
| | pd fferrage to & from yorke | 0. | 03. | 04- |
| | giuen away whilst in yorke | 0. | 05. | 00- |
| | pd the fferrage of our selues & y ^e Gentlemen that Came from y ^e Banke & y ^e horses from Kittery to y ^e Banke in our Journey home | 0. | 15. | 00- |
| | spent at y ^e Banke | 0. | 03. | 00- |
| 21 th | spent at Hampton | 0. | 06. | 06 |
| | pd fferrage at Newberry | 0. | 03. | 00 |
| 22 ^d | spent at Ipswich | 0. | 09. | 08 |
| | spent a Salem village | 0. | 02. | 02 |
| | pd fferrage at Winnysimmet | 0. | 02. | 06- |
| | giuen to Serjant Nowell who went & Came w th us | 0. | 03. | 06 |
| | pd By the Lt Gouer ^s ord ^r to Serjant Nowell & to Clerke Preble fue shillings each is | 00. | 10. | 00 |
| | pd Coll: Hutchinson y ^e hyer of his horse | 01. | 00. | 00 |
| | pd for fowr new shoes for said horse | 00. | 04. | 00- |
| | | £13:04:08 | | |
| By an order from the Lt Gouer ^r with y ^e aduice of the Council on the Treasurer for | | 10. 00. 00 | | |
| | | £03:04:08 | | |
| To Coll Phillips horse | | 01:00. 00 | | |
| | | £04. 04:08 | | |

In our Journey to yorke when we Came to Newberry the horse belonging to one of our men wch they left y^r was Run away upon wch we tooke up a horse of m^r Moody to proceed to yorke & then to Boston and Backe to Newberry for wch we promised he should haue Twelue shillings in money wch we pray may be paid him Accordingly.

JOHN PHILLIPS
NATHAL BYFIELD." — *Mass.*

Archives, vol. 101, p. 95.

The entreaties and promises of the commissioners proved unavailing and the further prosecution of this expedition was abandoned.

Before they set out on their journey the commissioners received an order from the Council* upon the province treasurer for ten pounds, for which credit appears in the above account.

This account having been presented to the Council, the following vote was passed on the twentieth and sent down to the House for concurrence, and there concurred in on the twenty-second: —

“Vot^d That there be paid unto the accomptants Ten pounds more then the Ten pounds formerly Ordered in full of this Accompt, and in further acknowledgem^t of their Service.” — *Ibid., p. 96.*

The order in Council† for the payment of this allowance is dated November 10, 1697, and the payment of twenty pounds to Phillips and Byfield for this service is charged in the province treasurer’s accounts.‡

Chap. 41. This chapter is from council records, vol. VI., p. 557. It is preserved in archives, vol. 101, p. 94.

For a former allowance to Savage for his service on the same committee see resolves for 1696–7, chapter 71, and note.

The order in Council§ for paying from the province treasury the allowance granted in this chapter was passed December 4, 1697. The treasurer duly charged this amount, in his accounts,|| as paid.

Chap. 42. This chapter is from archives, vol. 30, p. 438. It is recorded in council records, vol. VI., p. 557.

Chap. 43. This chapter is from council records, vol. VI., p. 557. It has not been found in the archives.

Chap. 45. This chapter is from council records, vol. VI., p. 560. It is preserved in archives, vol. 70, p. 359.

The petition upon which this chapter was founded is as follows: —

* September 15, 1697. Executive Records of the Council, vol. 2, p. 493.
† Executive Records of the Council, vol. 2, p. 506.
‡ *Mass. Archives*, vol. 122, p. 122.
§ Executive Records of the Council, vol. 2, p. 503.
|| *Mass. Archives*, vol. 122, p. 136.

“To the Honourable the Leivtenant Governour councell & Assembly In generall Court
Convened the Humble petition of Zebediah Williams of Deerfeild
sheweth

That in September last when the enemy came upon a family of Deerfeild as your humble petitioner was with others running to the rescue of that family the enemy wounded him on the arm in two places which wound hath prevented his labour & occasioned much chag & pain for more then three months, your poor petitioner being newly come of age having very little to begin withall, humbly request this honoured Court to take into consideration this loss of time & expences & to allow your humble petitioner what your honours on such occasions shall judge encouraging young men to pursue & fight the enemy when they have opportunity,

March 22nd 1696/7. so shall your humble petitioner pray &c:

ZEBEDIAH WILLIAMS” — *Mass.*

Archives, vol. 70, p. 337.

The following memorandum was annexed:—

“Mr Williams the Minister of the Towne attests to the Truth of the person abovenamed being wounded as is expressed.” — *Ibid.*

The petition was read in the House on the twenty-second of March, 1696-7, and thereupon a committee consisting of Samuel Partridge and Joseph Parsons was appointed “to consider of this petition and to make report thereof at the next sessions of this court.” No report by this committee has been found.

At the third session of the Legislature of 1697 Williams presented another petition, as follows:—

“To y^e Honorable W^m Stoughton Esqr Lt Gov^r &c & Counsell & Rep^sentatives Cōnvened in Gen^l Corte this Octobr 13 1697

The Humble Petition of Zabadiah Williams who was a Sould^r in Derefield & Wounded by y^e Enemy w^h they set upon Derefield Garrison Sep^r 16 1695 & lay wounded 22 weekes for w^{ch} the Doctor Requires four pounds besides w^t I am to pay to Other Chirurgions & my tyme & Expences w^{ch} hath already beene Motioned to this Corte & Now againe I intreate my case may be Considered & allowances Granted mee as yor Honor^s shall Judge meete & for yor^s Honor^s I shall Ever pray

ZABADIAH WILLIAMS.” — *Ibid.*, p. 359.

This petition was read on the twentieth of October and the following vote was passed thereon:—

“Voted. In answer to y^e abonesd petition y^t he shall receivee fiftene pounds out of y^e prouince Treasury: for full compensation.” — *Ibid.*

This vote, which was concurred in by the Council on the twenty-sixth, is the vote which the Secretary recast into the form in which it appears in this chapter when he made up his record.

The order in Council* for the payment of this allowance was passed December 4, 1697, and the province treasurer charged the same in his account† as paid to Williams.

The “family of Deerfield” mentioned in the first petition was that of Daniel Belding, of which a minute account is given in the “Narrative of the Captivity of Stephen Williams,”‡ and the date of the attack was September 16, 1696.

It was on this occasion that John Gillet was captured. See resolves, 1698, chapter 17.

Chap. 46. This chapter is from council records, vol. VI., p. 560. It is preserved in archives, vol. 70, p. 356.

The naval encounter in which Pickett was wounded took place early in the spring of 1697, on an expedition, the circumstances of the fitting out of which are shown in the following extracts from the executive records of the council:—

“March 3, 1696-7. Upon the report in several private Letters from Piscataqua of some fishing Shallops belonging to that River and Marblehead, being lately surprized at Richmonds Island by the Indians with some Freneh in their company.

Advised: That his honour the Licut^t Gov^r dispatch a letter to Col: Gedney and Lt Col: Hathorne at Salem recommending it to them, to take effectual care that one or two well sailing Shallops equipped and furnished with a suitable number of Men be forthwith dispatched from Marblehead in search of, and to endeavour to recover the said taken shallops out of the Enemies hands, and to impower the sd Gent^l if need be, to impress men for that service, and that the Government be at the charge of the subsistance and pay for the said men after the rate of ten shillings Ψ week each during their attendance on that service.” — *Vol. 2, p. 451.*

“March 4, 1696-7. Upon notice from Colo Gedney and Lt Col Hathorne that the Marblehead Shallops were abroad and that there was a suitable Barque lying there, mounted with two Guns and every way fitted for the Sea whereof one Cawley a briske Man was Master.

Advised: that the said Barque together with a Shallop to attend her be forthwith dispatched on the Expedition for the recovery of the Fishing Shallops lately snrprized by the Enemy; and that the said Cawley be Commissionated to have the Command. The said Barque and Tender to be enforc^t with forty Men.” — *Ibid.*, p. 452.

Captain John Calley, as he and his family wrote the name,—though it was undoubtedly pronounced as written in the above advice of the Council,—was a skilful and intrepid shipmaster who took an active part in public affairs, and some years later than

* Executive Records of the Council, vol. 2, p. 509.

† Mass. Archives, vol. 122, p. 147.

‡ Printed by the Pocumtuck Valley Memorial Association, with most valuable notes by George Sheldon, Deerfield, 1889.

the date of this expedition represented the town of Marblehead in the Legislature, where he courageously led the opposition to Governor Dudley, in the prosecution of some of the Governor's friends who were accused of treasonable practices, and who by special acts* of the Legislature were sentenced, on conviction, for high misdemeanors. In the expedition of 1697 he commanded both the vessels above mentioned — the barque William and Mary, and her tender, the shallop Blessing, — with a force of forty men who were, probably, all impressed for the service.

Calley's engagement with the enemy seems not to have been deemed worthy of mention by diarists and historians; and no allusion to it other than is contained in the above record, and in certain entries, hereafter given, in the province treasurer's accounts, has been discovered save the bare mention of it by Pickett in his petition, which is as follows: —

“Unto The Honrd Generall Court now Sitting at Boston

the petition of Nicholas Pickett of Marblehead townshipp: humbly Sheweth: that he y^e sd Pickett was pressed out of the sd town; & y^t in y^e Late expedition against y^e french in March Last past in His Majesties Service & y^e Countrys under Capt Cauley he did then & their recieve A Shott which wounded him in such wise y^t his wound made him incapable of Stiring himselfe & by that means he became frozen & thereby hath Sufered extream Dolourous & exquisite pains & torment & at last for y^e preservation of his life was forced to endure y^e Cuting of his foott & now Contineth very weake & nterly incapable of doing any thing to helpe himselfe; or fall into any way to gaine A livelihood; & he being A very poor man; having neither housing, Land, or other estate to relieve him; & in A very poor, miserable, & deplorable Condition he doth humbly suplicate & beseech this Honrd Court out of their Comiseration & Christian Compasion to consider his miserable and needy Condition & for y^e reasons aforsd yt this Honrd Court will be pleased to grant him some sutable Suply for his future maintenance (he being A decipied man) in such maner as you shall see meett & y^{or} poor suplicant shall for ever pray for your prosperity —

Sept 6th 1697

NICHOLAS PICKETT.” — *Mass.*

Archives, vol. 70, p. 356.

This petition was read, first, in the House, on the tenth of September. It was read there again on the twenty-sixth, when a vote was passed substantially identical with this chapter, and was concurred in by the Council on the same day.

The following items from the province treasurer's account show not only that Pickett received the first instalment of his allowance, but throw some light upon other circumstances connected with his case: —

“Paid Cap^t John Calley for himselfe & Comp^y for serveing his Maj^{ty} on
board the Shallop Blessing a scouting & for victualing said Shallop . . . 68 „ 17 „ 8
Paid Richard Skinner for hire of the Bark William & Mary John Calley
Commandr for damage she sustained in the fight for provision powder
Shott & c^t & Cap^t Jn^o Legg Cap^t Nathan^l Norden & Cap^t Jn^o Brown
provision & disburstments in fitting out sd Barke Wm & Mary . . . 37 „ 15 „ 7
Paid Cap^t Norden for several disburstments for fitting the Scout Shallop
John Calley Commander 6 „ — „ 5.”
— *Ibid.*, vol 122, p. 107.
“Paid Nicholas Picket Stipend to y^e 26th May 1698. 10 „ — „ —.”
— *Ibid.*, p. 143.

Chap. 47. This chapter is from council records, vol. VI., p. 560. It is preserved in archives, vol. 11, p. 125.

Lancaster, from its exposed position on the frontier, was a convenient object for the attack of hostile Indians. It was repeatedly the scene of slaughter and assault, one of the most memorable occasions being that of February 10, 1674-5,† when more than fifty of its inhabitants were killed or taken captive including, among the latter, Mary, the wife of the Rev. Joseph Rowlandson, who has left a narrative of the event and of her captivity. The more recent attack was that of September 11, 1697,† when the Rev. John Whiting and twenty others were killed, two more wounded, but not mortally, and six carried into captivity. It was this last disaster which was specially pleaded to move the General Court to make the allowance granted in this chapter.

The petition upon which this chapter was founded is as follows: —

“To the Rt Hon^{ble} the Liev^t Gov^r the Honrd councill & Representatives convened in Gen^{ral} Assembly at Boston October 13th 1697

The Humble Petition of John Houghton in behalfe of the Inhabitants of the Towne of Lancaster Humbly sheweth

That forasmuch as the Righteous God hath permitted the heathen Indian enemies to Kill & destroy many of our people in a cruell & barbarous maner both formerly and Lately to the great terror & amazement of those that survive & to our great Loss & Damage, & especialy in having our minister taken away by such a awfull stroke, we greatly feare we shall not prevaile with any to com & settle with us in the work of the ministrey because of the present troubles & also we being Left few in number & brought very Low by the Long continued troubles, all which is Ready to cause us to dispaire of any Longer continuance in said Towne except we may have som encouragment & Relieffe

Which moveth y^{or} petition^r Humbly to Request your hon^{rs} to consider our distressed condition & that our part of the tax Last granted may be Remitted: there being so many of the persons on whome it was Levied & their estates destroyed & that we may be freed from paying taxes Whilest wee Remaine under such troubles, & that if we may be p^{ro}mitted through Gods goodnes to continu there for the future we pray that we may have your hon^{rs} advise & help in the procuring & settlement of a minister, without which we cannot at present of ourselves do it, that we may be supported with souldiers, for we are

* Private acts, numbers 19, 20, 21, 22, 23, 24, 25.

† Mather's *Magnalia*, vol. II., book VII., article XVII., pp. 553, 554.

no Longe able of our selves to beare up under such a Wasting & desolating War, all which being by your Honrs considered, it is hoped you will se meet to grant our Request as above which will greatly encourage said Inhabitants & your petition^r as in duty bound shall pray &c^{tra}

JOHN HOUGHTON." — *Mass.*

Archives, vol. 11, p. 125.

This petition was read in the House on the nineteenth of October, and on the twenty-sixth a vote substantially the same as that which constitutes this chapter was passed and sent up to the Council for concurrence where it was immediately concurred in.

The order in Council* for the payment of this allowance was passed February 16, 1698-9. The following entry in the province treasurer's account shows that the allowance was paid to Whiting's successor in the ministry:—

"Paid Mr John Jones whome y^e Town of Lancaster have procured to be their minister (upon consideration of the damage lately done by the Indian unto s^d Town their minister being then slain, for their encouragement & enabling s^d Town to gett another) allowed by y^e General Assembly 20 " — " —."

— *Ibid.*, vol. 122, p. 138.

See, also, the last paragraph of the note to chapter 28, *ante*.

Chap. 48. This chapter is from council records, vol. VI., p. 560. It is preserved in archives, vol. 40, p. 484.

The following is the petition upon which this chapter was founded:—

"To the Hon^{ble} y^e Lt Governo^r, Council, and Representatives, in Gen^l Court or Assembly convened

The Petition of Walter Shepard and Isaac Rice of Sudbury in the county of Middlesex &c

Most humbly sheweth

That your Petition^{rs} were had before m^r Justice Browne by virtue of a Warr^t beareing date August 24th 1697 to answer for the makeing & delivering a Lybel unto Mr James Sherman Pastor of Sudbury &c Where upon Examination nothing appeareing to convict your Petition^{rs} of any Breach of Law in that behalf, your Petition^{rs} ought to have been discharged; Yett the said Justice Browne continued his court by severall adjournements and Commanded your Petition^{rs} to attend the Same untill the 8th day of Sep^r following, when together with Mr Justice Minott, he the said Justice Browne without any Evidence proveing that Your Petition^{rs} had ever made or delivered any Lybell unto Mr James Sherman Pastor of Sudbury, passed Sentence ag^t your Petition^{rs} to pay each of them a fine of Tenn shillings money to the King & to pay Costs of Prosecution, which was allowed to be 2^{li} " 2^s 8^d from which Sentence your Petition^{rs} prayd the benefitt of the Law of this Province to appeal to y^e next Gen^l Sessions of the peace within said County, & your Petition^{rs} were ready to doe al that the said Law required in that behalf, and tendred both money for Entring their appeale and Sufficient security for their good behaviour and prosecuteing yr appeale with Effect; Yett the said Justices would not, nor did they Grant Your Petition^{rs} the benefitt of said Law butt granted Execution to the sheriffs deputy to Levy upon Your Petition^{rs} persons or Estates for said Summe of three pounds Two shillings & 8^d whereby your petition^{rs} are greatly oppressed and without remedy unless from this great & hon^{ble} assembly

Wherefore Your Petition^{rs} humbly Supplycate this hon^{ble} Court that the Laws of this Province here enacted may be Supported and vindicated, the Kings Leige people have the benefitt by them and your Petition^{rs} relieved, and not suffered to be Wrongfully Continued on Record, as Lybellers, who have hitherto behaved themselves with duty to his Maj^{ty} & his Governm^t and with good fame amongst their Neighbours

And your Petition^{rs} shall ever pray &c." — *Mass. Archives, vol. 40, p. 484.*

This petition was read a first time in the House on the sixteenth of October, and on the twenty-sixth it was read again and a vote, substantially the same as this chapter, was thereupon passed and sent up to the Council for concurrence, and there concurred in on the same day. See, further, the note to chapter 67, *post*.

Chap. 49. This chapter is from archives, vol. 11, p. 126. It is recorded in council records, vol. VI., p. 562.

Dunstable, on the remote northwestern frontier of Massachusetts proper, was repeatedly, during fifty years from its settlement, the scene of incursions by hostile Indians. In 1695, to escape the fury of the savages, Thomas Weld, its minister, retired to Boston, in violation of the statute† forbidding inhabitants of frontier towns to desert their posts. For this, he was dealt with by the Council as shown in the following entry in the council records:—

"June 27, 1695. Mr Thomas Weld late Minister of Dunstable, and driven from thence by extremity of the Warr (that Town being in a great part depopulated) Appearing this Day in Council, and making reasonable excuse to Acceptance for his not present returning thither again, is hereby Licensed to abide, and Continue elsewhere during the Continuance of the warr, without incurring any of the Penalties, and forfeitures mentioned in the Act entituled, An Act to prevent the deserting of the Frontiers

WILLIAM STOUGHTON." — *Coun-*

cil Records, vol. VI., p. 414.

* Executive Records of the Council, vol. 3, p. 5.

† Province Laws, 1694-5, chapter 25.

This year Dunstable was included among those of the frontier towns peculiarly worthy of public aid. See the last paragraph of the note to chapter 28, *ante*.

The order in Council* for the payment of this allowance was passed August 8, 1698.

The following item in the account of the province treasurer shows that the amount allowed by this chapter was paid, and to whom:—

“Paid Mr Thom^s Weld Chaplain to y^e Garrison at Dunstable from June 1697 to June 1698 Allowed by y^e General Assembly 20 „ — „ —.”
— *Mass. Archives*, vol. 122, p. 149.

Chap. 50. This chapter is from council records, vol. VI., p. 563. It is preserved in archives, vol. 40, p. 469.

The following is the petition upon which this chapter was founded:—

“To the Hon^{ble} William Stoughton Esq^r Lieut Governour and Commander in chief in and over his Mat^{ys} Province of the Massachusetts Bay in New England, and the Hon^{ble} Council and Representatives of y^e s^d Province convened in General Assembly October 13th 1697—

The Petition of Caleb Ray Keeper of his Mat^{ys} Goal in Boston

Humbly sheweth

That there is due unto your Petr the Sum of £28 „ 13 „ 11 for the keeping of French and Indian Prisoners from the 8th of September last as by the before written Accompt appeares, as also £108 „ — „ 5 due by the Accompt presented in September afores^d for which there hath yet been no order for payment, Besides the greatest part of what hath been formerly ordered unto yo^r Petitioner is stil unpaid, whereby your Petr is in advance for the keeping of s^d Prisoners near Three hundred pounds, for which your Petitioner hath been forced to run in Debt with several persons, and is greatly streightn^d to procure Credit for the further subsisting of s^d Prisoners —

Wherefore your Petitioner doth humbly pray, that the afores^d sums of £28 „ 13 „ 11. & £108 „ — „ 5. may be ordered him out of the publick Treasury, and that effectual care may be taken That as well the same as what is yet remaining unpaid to him upon former orders, may be speedily paid unto your Petr to enable him to discharge the Debts which he hath contracted for Provisions for the afores^d Prisoners. And that his Accompts for keeping of them for the future may be passed once a month, and paym^t made of what shall from time to time be due unto yo^r petitioner thereupon

CALEB RAY.” — *Mass.*

Archives, vol. 40, p. 469.

The two accounts mentioned in the preamble are interesting not only as giving the number and names of the French prisoners taken captive on the expeditions to the eastward, but as showing the date of the commitment of the Sieur Jean Baptiste whose retention, after the Peace of Ryswick, on the charge of treason and murder, was the pretext for subsequent acts of hostility, and the subject of long-continued negotiation between Massachusetts and the government of New France. These accounts were as follows:—

[*First account.*]

“BOSTON IN NEW ENGLAND 1697

| | The Country to Caleb Ray Keeper of his Maj ^{ties} Goal In Boston, Since y ^e Last acco ^t giuen In y ^e 26 th of May for keeping of Seuerall French Prisoners and Indians Is | Dr |
|---------------------|--|-----------------|
| Capt Villeau | To keeping of Capt Villeau from y ^e 26 th of May 1697 to y ^e 8 th September Is 15 Weeks at 5/ 4 ^p week | £ s d 3 15 - |
| Conton | To Ditto of Conton from 26 th May to y ^e 8 th September Is 15 weeks at 4/ 4 ^p week | 3 00 - |
| Cowett | To Ditto of Cowett from y ^e 26 th may to y ^e 17 th August hee was Delliuered Joseph Ryall. Is 12 weeks at 4/ 4 ^p week | 2 8 - |
| Donoirs | To Ditto of Donoirs from 26 th . may to y ^e 29 th June, hee went to the Lient Gouvernor. Is 5 weeks at 4/ | 1 00 - |
| Jn ^e Roy | To Ditto of John Roy from 26 th May to y ^e 29 th June hee went to the Lient Gouvernor Is 5 weeks at 4/ | 1 00 - |
| Le Riuiera | To Ditto of Le Riuiera from 26 th May to y ^e 8 th September Is 15 weeks at 4/ 4 ^p week | 3 00 - |
| Fuzille | To Ditto of Fuzille from 26 th of May to y ^e 8 th September Is 15 weeks att 4/ | 3 - |
| Champaine | To Ditto of Champaine from 26 th May to y ^e 8 th September Is 15 weeks at 4/ | 3 00 - |
| Carraban | To Ditto of Timothy Carraban from 26 th of May to y ^e 8 th of September Is 15 weeks at 4/ | 3 00 - |
| London | To Ditto of London from 26 th of May to the 8 th September Is 15 weeks at 4/ | 3 00 - |
| Vaillant | To Ditto of Vaillant from 23 th May to the 8 th September. Is 15 weeks at 4sh | 3 00 - |
| Buquerett | To Ditto of Buquerett from 26 th May to the 8 th September Is 15 weeks at 4/ | 3 00 - |
| Le Fleur | To Ditto of Le Fleur from 26 th May to the 8 th September Is 15 weeks at 4/ | 3 00 - |
| St Jean | To Ditto of St Jean from 26 th May to y ^e 6 th of July hee was Delliuered by y ^e Honn ^{ble} y ^e Lieut Gouvernor his order to Peter Woodward of Dedham Is 6 weeks at 4/ | 1 04 - |

* *Executive Records of the Council*, vol. 2, p. 553.

| | | |
|---|---|--------------------|
| Le Violet | To Ditto of Le Violet from 26 th May. to y ^e 8 th September Is 15 weeks at 4/ | £ 3 00 - |
| Lesperance | To ditto of Lesperance from 26 th May to y ^e 8 th September Is 15 weeks at 4/ | 3 00 |
| Chantillon | To Ditto of Chantillon from 26 th May to y ^e 8 th September Is 15 weeks at 4/ | 3 00 - |
| Largee | To ditto of Jn ^o Largee from y ^e 17 th of July hee was Brought to Prison by Abra: Turtloe to y ^e 8 th September Is 7 weeks 5 day | 1 10 10 |
| | To Ditto of Bomazyn Indian from y ^e 26 th May to the 8 th of September Is 15 weeks at 4 ^s | } 9 00 - |
| | To ditto of Shepeott John his 2 sons 15 weeks p st | |
| June 6 Capt Baptist | Then Capt Baptist & 21 of his Comp ^a were Committed To keeping of Capt Baptist from y ^e 6 th June to y ^e 8 th September Is 13 weeks 4 days at 5/ p st week | - - - |
| Battilio | To Ditto of Peter Battilie from y ^e 6 th June to the 27 th of August Is 11 weeks 5 days at 4/ p st week, hee then went Thomas Hill In his sloop the Providence for Barbados | 3 7 10 |
| Peter Le Bare | To Ditto of Peter Bare from y ^e 6 th June to y ^e 8 th September Is 13 weeks 4 days at 4/ p st week | 2 6 10 |
| Oliuer de Gre | To Ditto of Oliner de Gre from y ^e 6 th June to y ^e first September hee was Delliuered by y ^e Lieut Gouvern ^r to Geo: Cox master of y ^e Ketch Dolphin for Newfound Land Is 12 weeks 3 days at 4/ p st week | 2 14 3 |
| Jaques Bellefor | To ditto of Jaques Bellefor. from y ^e 6 th June to y ^e 8 th September Is 13 weeks 4 days at 4 ^s p st week | 2 9 9 |
| Cha: Bellefor | To ditto of Charls Bellefor from y ^e 6 th June to y ^e 8 th September Is 13 weeks 4 days at 4/ | 2 14 3 |
| Peter Moram | To ditto of Peter Moram from y ^e 6 th June to y ^e 8 th September Is 13 weeks 4 days at 4 ^s h | 2 14 3 |
| Anth ^e de Vignan | To ditto of Anth ^e De Vignan from y ^e 6 th June to y ^e 8 th September Is 13 weeks 4 Days at 4/ | 2 14 3 |
| Bellouille | To Ditto of Peter Bellouille from y ^e 6 th June to y ^e 8 th September Is 13 weeks 4 days at 4 ^s h | 2 14 3 |
| Is ^a Bruger | To Ditto of Isaac Bruger from y ^e 6 th June to y ^e 8 th September Is 13 weeks 4 Days at 4/ | 2 14 3 |
| Bouten | To ditto of Baptist Bouten from y ^e 6 th June to y ^e 8 th September Is 13 weekes 4 days at 4/ | 2 14 3 |
| Bergeren | To Ditto for Barth ^e Bergeren from y ^e 6 th June to the 8 th September Is 13 weeks 4 days at 4/ | 2 14 3 |
| Lempriere | To Ditto of francois Lempriere from y ^e 6 th June to y ^e 8 th September Is 13 weeks 4 days at 4/ | 2 14 3 |
| Morrice de Vignan | To Ditto of Morrice de Vignan from y ^e 6 th June to y ^e 8 th September Is 13 weeks 4 days at 4 ^s h | 2 14 3 |
| Le Roze | To Ditto of Peter Le Roze from y ^e 6 th June to y ^e 30 th August hee went to John Vsher Esqr Is 12 weeks 2 days at 4/ | 2 9 2 |
| Jn ^o Jersay | To Ditto of Jn ^o Jerzay from y ^e 6 th June to the 8 th of September Is 13 weeks 4 Days at 4 ^s h | 2 14 3 |
| Jn ^o Begar | To Ditto of John Begar from y ^e 6 th June to y ^e 27 th July hee was delliuered by y ^e Honn ^{ble} y ^e Lieut Gouvern ^r his order to John Burmcott Is 7 weeks 3 days at 4/ p st week | 1 9 9 |
| Jn ^o Barrer | To Ditto of John Barrer from y ^e 6 th June to y ^e 17 th of August hee went with Joseph Ryall to Barbados Is 10 weeks 3 Days at 4/ p st week | 2 1 9 |
| Carolinau Jn ^o Jorque | To keeping of Fort Carolinau from y ^e 6 th June as also for keeping of John Jorque from ditto time to y ^e 18 th June they Were Delliuered, by order of the Lieut Gouvern ^r to Capt Mark Hunkins Is 13 days Each | 0 15 - |
| Peter Chausie | To Ditto of Peter Chausie from y ^e 6 th June to y ^e 23 th August hee was Delliuered to Azer Gale for Madeira Is 11 weeks 2 Days at 4/ | 2 5 2 |
| Peter Borgan | To Ditto of Peter Borgan from y ^e 6 th June to y ^e 25 th August bound to Samuel Walker for West Jerzey Is 11 weeks 4 days at 4 ^s h | 2 6 4 |
| Boston 8 th September 1697:— | | £108 00 5 |
| Pr Me | | CALEB RAY Keeper." |

[*Second account.*]

"BOSTON IN NEW ENGLAND 1697 —

The Country to Caleb Ray Keeper of his Majties Goal In Boston, since the Last acco^t Dated y^e 8th of September Last for keeping of Sundry French Prisoners & Indians Is

| | | Dr |
|-----------------|---|---------|
| | | £ s d |
| Capt Villeau | To keeping of Cap ^t Villeau from y ^e 8 th September 1697 to the 13 th of October Is 5 weeks at 5/ 4 ^p week . . . | 1 5 - |
| Conton | To Ditto of Conton from y ^e 8 th September to y ^e 13 th October Is 5 weeks at 4/ 4 ^p week, then went to Major Church . . . | 1 00 - |
| Le Riniera | To Ditto of Le Riniera from y ^e 8 th of 7 ^{ber} to y ^e 13 th of 8 ^{ber} 5 weeks . . . | 1 00 - |
| Fuzille | To Ditto of Fuzille from y ^e 8 th of 7 ^{ber} to y ^e 13 th of 8 ^{ber} . 5 weeks . . . | 1 00 - |
| Champaine | To Ditto of Champaine from y ^e 8 th of 7 ^{ber} to y ^e 13 th of 8 ^{ber} . 5 weeks . . . | 1 00 |
| Carraban | To Ditto of Timothy Carraban from y ^e 8 th September to y ^e 21 th ditto hee went with m ^r Blower Is 1 week 6 Days . . . | 0 7 6 |
| Loudon | To Ditto of Loudon from y ^e 8 th of 7 ^{ber} to y ^e 13 th 8 ^{ber} Is 5 weeks . . . | 1 00 - |
| Vaillant | To ditto of Vaillant from y ^e 8 th September to y ^e 27 th Ditto hee went to Cap ^t John floy Is 2 weeks 5 Days . . . | 0 10 11 |
| Buquerett | To Ditto of Buquerett from y ^e 8 th September to y ^e 4 th of October he went to Cap ^t Tho: Cobbett for Barbados 3 weeks 5 days . . . | 0 14 11 |
| Lefleur | To Ditto of Lefleur from y ^e 8 th of 7 ^{ber} to y ^e 13 th 8 ^{ber} Is 5 weeks . . . | 1 00 - |
| Le Violet | To Ditto of Peter Le Viollett from y ^e 8 th September to the 13 th of October hee was Delliuered by y ^e Lt Gouvernor his order to Major Church Is 5 weeks . . . | 1 00 - |
| Le Sperance | To Ditto of Le Sperance from y ^e 8 th . September to y ^e 02 ^d October hee went to Henry Seargant for Jamaica Is 3 weeks 3 Days . . . | 0 13 9 |
| Chantillon | To Ditto of Chantillon from y ^e 8 th September to y ^e 13 th 8 ^{ber} Is 5 weeks . . . | 1 00 - |
| Largee | To Ditto of Largee from y ^e 8 th September to y ^e 13 th of 8 ^{ber} Is 5 weeks . . . | 1 00 - |
| Prest Aboire | To Ditto of Prest Aboire from y ^e 8 th of September to y ^e 13 th of October Is 5 weeks . . . | 1 00 - |
| Le Maison Neune | To Ditto of Le Maison Neune from y ^e 8 th September to y ^e 13 th of October Is 5 weeks . . . | 1 00 - |
| | | 14 12 1 |
| Capt Baptist | To keeping of Cap ^t Baptist from y ^e 8 th of September to the 13 th of October Is 5 weeks at 5/ 4 ^p week . . . | 1 05 |
| Le Bare | To Ditto of Peter Le Bare from y ^e 8 th . September to y ^e 4 th October hee went to Cap ^t Tho: Cobbett for Barbados Is 3 weeks 5 Days . . . | - 14 11 |
| Jaques Bellfond | To ditto of Jaques Bellfond from y ^e 8 th September to y ^e 13 th of october Is 5 weeks . . . | 1 00 - |
| Cha: Bellfond | To Ditto of Charles Bellfond from y ^e 8 th of September to y ^e 27 th ditto hee went to Cap ^t John floy Is 2 weeks 5 day . . . | 0 10 11 |
| Peter Moram | To Ditto of Peter Moram from y ^e 8 th of September to y ^e 13 th of october Is 5 weeks . . . | 1 00 |
| Antho de Vignan | To Ditto of Antho De Vignan from y ^e 8 th of 7 ^{ber} to y ^e 13 th 8 ^{ber} 5 weeks . . . | 1 00 - |
| Belouille | To Ditto of Peter Belouille from y ^e 8 th of September to y ^e 12 th Ditto hee went to Edward Pell for Neuvis Is 4 days . . . | 0 2 4 |
| Landegall | To keeping of Isaac Landegall from y ^e 8 th September to y ^e 8 th October hee went to Cap ^t Michael Shute Is 4 weeks 2 days . . . | - 17 2 |
| Bouten | To Ditto of Baptist Bouten from y ^e 8 th of September to y ^e 13 th of october Is 5 weeks at 4/ 4 ^p week . . . | 1 00 - |
| Lempriere | To Ditto of Peter Lamprier from y ^e 8 th September to y ^e 4 th of october hee went to Cap ^t Tho: Cobbett for Barbados 3 weeks . . . | - 14 11 |
| Bergeren | To Ditto of Bartho Bergeren from y ^e 8 th September to y ^e 13 th of october Is 5 weeks . . . | 1 00 - |
| De Vignan | To ditto of Maurice de Vignan from y ^e 8 th Septemb ^r to y ^e 13 th of october Is 5 weeks . . . | 1 00 - |
| | To Ditto of John Sesag from the 8 th Septemb ^r to y ^e 7 th of October. hee went to Robert Hayward Is 4 weeks 1 day . . . | - 16 7 |
| | To Ditto of Bomazyn Indian from y ^e 8 th . September to y ^e 13 th of october Is 5 weeks at 4/ 4 ^p week . . . £1=00=00 | 3 00 - |
| | To Ditto of Shepcott John his 2 sons the said time 5 weeks Each at 4s ^h 4 ^p W £2=00=00 | |

Boston 13th October 1697." — *Ibid.*, p. 467.

£28 13 11

The former of these accounts appears to have been presented at the second session of the General Court this year, which lasted but three days, ending, by prorogation, on the tenth of September without action having been taken in Ray's case. On the twenty-second of October, the second account was presented, and the foregoing petition was read in the Council and sent down to the House, where it was considered, and, apparently, without any preliminary action, the following vote was passed on the twenty-ninth, sent up to the Council for concurrence, and concurred in:—

"Voted In y^e house of Representatines y^t Sd Ray shall be payd y^e two sum^s (In his acco^{ts} amounting to 28-13-11 & -108-00-05) out of y^e publick Treasury."—*Ibid.*, p. 469.

The order in Council* for the payment of this allowance was passed February 23, 1697-8. See note to chapter 65, *post*.

Chap. 51. This chapter is from archives, vol. 48, p. 279. It is recorded in council records, vol. VI., p. 563.

The order in Council† for the payment of the allowance granted by this chapter was passed November 10, 1697, and the treasurer's account shows that it was paid.‡ Besides this, an order was passed in Council§ August 9, 1697, for the payment to Addington of £21 9s., for extraordinary services.

Chap. 52. This chapter is from archives, vol. 48, p. 280. It is recorded in council records, vol. VI., p. 564.

The order in Council for the payment of the allowance to Isaac Addington|| embraced also this allowance to Davenport. The payment of the allowance to Davenport is shown in the treasurer's accounts.¶

Chap. 53. This chapter is from council records, vol. VI., p. 564. It is preserved in archives, vol. 61, p. 357.

The following petition, which was the foundation of this chapter, sets forth the circumstances of the loss for which the original petitioner and, subsequently, his widow, sought recompense:—

"To his Excellency Sr William Phipps Knt Capt Gen^l & Govern^r in Chiefe of their Maj^{ties} Province of the Massachusetts bay, in Newengland, & the Hono^{ble} Council, sitting in Boston.

The Humble petition of Philip Knill of Charlestown.

Sheweth That the Ship Swan, Capt Thomas Gilbert Command^r being fitted, sometime in the month of May Anno 1690, for a ship of Warre to clear the Coast of Enemies, who did at that time infest us, Yo^r petition^{rs} Negro man, Sambo by name (being young, strong & able & in very good health) was by force, against yo^r petition^{rs} consent, Seized in Charlestown, & carryed away from yo^r petition^{rs} service, on board the said Ship Swan, at w^{ch} time yo^r petition^r had shipped him on board a Ketch then bound to the Barbadoes, at thirty shillings by the moneth certain, & more if any higher wages were given to any foremastman that should after be shipped.

Yo^r petition^r being then under bodily illnes (as he is to this day) could not personally negotiate his own affaires, yet he signified in writing to the Capt his desires for his Negro's, dismission, but in vaine. After the arrival of said Ship Swan from that Expedition, he again signified his desires that his Negro might be discharged, but it would not be granted, the Canada Expedition being then in hand, he was detained on board to attend that service, against yo^r petition^{rs} consent; & in that service he proceeded, wherein he was Seized with a mortal distemper, wherof in a few dayes after his Landing he dyed, to the very great detriment of yo^r petition^r who cannot rationally Estimate his damage therby sustained at Less than One hundred pounds; the said Negro being yo^r petition^{rs} proper Estate, & not more than twenty one yeares of age, & yo^r petition^r taken off from all Employment by the hand of God upon his body, besides many Cross & afflicting providences reducing him Low in Estate; All which yo^r petition^r Submits to yo^r wise & just consideration.

Humbly praying therefore that yo^r Excellency & the Hono^{ble} Council will please to order such an allowance to yo^r petition^r as shalbe just and equal to Compensate his so great a Losse.

And yo^r petition^r shall ever pray &c

PHILLIP KNILL."—*Mass.*

Archives, vol. 61, p. 357.

This petition was first presented by Knill to the Council, September 14, 1693, in the vacation of the General Court. It was read, but no other action thereon is recorded. On the last day of the third session, this year, on the application of Knill's widow, the same petition with the following brief postscript was read in the House:—

"Ruth Knill is y^e widow of y^e Petitioner, and is very poor, and Prays the Relief of this Court. Oct^r 30. 1697."—*Ibid.*

Thereupon the following vote was immediately passed and concurred in by the Council:—

"Voted; In answer to the above petition that the abovenamed Ruth Knell shall be allowed & paid out of the publick Treasury the Sum of Twenty pounds."—*Ibid.*

* Executive Records of the Council, vol. 2, p. 521.

† *Ibid.*, p. 504.

‡ Mass. Archives, vol. 122, p. 102.

§ Executive Records of the Council, vol. 2, p. 489.

|| Chapter 51, *ante*, and note.

¶ Mass. Archives, vol. 122, p. 119.

When the Secretary made up his records he recast the vote into the form in which it appears in this chapter.

An order in Council* for the payment of this allowance was passed November 10, 1697, and the province treasurer's account shows that it was paid accordingly.†

Captain Philip Knill, the petitioner, died December 14, 1695, æ 57. His wife, whom he married in 1666, and who survived him, was Ruth, the widow of Richard Allen or Allin, of Charlestown.‡

Chap. 54. This chapter is from archives, vol. 48, p. 281. It is recorded in council records, vol. VI., p. 564.

For particulars concerning the changes in the memorable town-house in Boston see William H. Whitmore's address at its re-dedication in 1882, and the *Prytaneum Bostoniense* by George H. Moore, LL. D.: 1886, wherein, respectively, they have published the results of their most intelligent and industrious investigations.

Chap. 55. This chapter is from archives, vol. 62, p. 226. It is recorded in council records, vol. VI., p. 565.

See resolves, 1696–7, chapter 56, and note.

Chap. 56. This chapter is from archives, vol. 62, p. 225. It is recorded in council records, vol. VI., p. 565.

This is the first legislative action on the subject of cutting a canal across Cape Cod, a scheme which has been advocated for nearly two centuries by some of the most distinguished and enterprising men of Massachusetts and the nation. That such a canal was believed to be possible long before this attempt, appears from the following entry in Sewall's Diary:—

"Oct. 26, 1676. After this Mr. Smith rode with me and shewed me the place which some had thought to cut, for to make a passage from the South Sea to the North: said 'twas about a mile and a half between the utmost flowing of the two Seas in Herring River and Scusset, the land very low and level, Herrin River exceeding Pleasant by reason that it runs pretty broad, shallow, of an equal depth, and upon white sand." — *Vol. I., p. 26.*

At the beginning of the Revolution, Washington favored such an undertaking, and by his order an estimate of the cost was made, by a competent engineer, upon which a committee of the Massachusetts Legislature reported that the subject be recommended to the Continental Congress.§ Although this effort failed other attempts were subsequently made, of which a very full and interesting account is given in public document, number 41, of the Legislature of 1861.

Of the committee appointed by this chapter, Otis was the representative from Barnstable and Bassett the representative from Sandwich. Smith, who was a person of importance in Barnstable, and who sometimes represented that town in the Legislature, was probably the same person who, twenty years before, had pointed out to Samuel Sewall "the place which some had thought to cut."

No report by this committee has been found; but it seems that the scheme was agitated for forty years or more after this date.||

Chap. 57. This chapter is from archives, vol. 62, p. 233. It is recorded in council records, vol. VI., p. 567.

The following is the petition mentioned in the preamble to this chapter:—

"To the Right hon^{ble} the Lt Governor & hon^d Council & Representatives now assembled in Gen^l Court for the Province of the Massachusetts Bay Dec^r 15th 1697

The Petition of the Subscribers in behalf of themselves and others the ffreightors upon the Ship Success Samuel Turell mast^r driven on shore att cape Ann Harbour by disstress of weather

Humbly sheweth

That Yor Petition^{rs} are throughly Informed That y^e Goods on board the said ship, belonging to themselves, their Correspond^{ts} & Employers are very much damnified, By meanes of Water coming into & filling of her hold, soe as that thereby the loss sustained is exceeding greate.

Yor Petition^{rs} therefore humbly pray That this high and hon^{ble} Court will be pleased to consider the premisses by remitting to the persons concerned in the said ships Ladeing the Impost thereof Layd upon them by Law.

And yor Petition^{rs} as in duty bound shall ever pray &c

JN^o EYRE

RICH: WHITTINGHAM

ELIAS HEATH

EDW: BROMFIELD

JOHN PITTS

THO: CLERKE

AND^r BELCHER

CHARLES CHAUNCY & C^o

WALTER HUNGERFORD

JOSEPH PARSON

JOHN COLMAN

DANIEL ZACHARY

WILL^m CLARKE

THO. FITCH." — *Mass.*

Archives, vol. 62, p. 232.

This petition seems to have been read a first time in the House on the fifteenth of December and a second time on the seventeenth, when the vote which constitutes this chapter was passed and concurred in by the Council.

* Executive Records of the Council, vol. 2, p. 505.

† Mass. Archives, vol. 122, p. 136.

‡ Wyman's Genealogies and Estates of Charlestown.

§ See Mass. Hist. Soc. Coll., vol. VIII., second series, pp. 192–196.

|| "This is the place through which there has been a talk of making a canal, this forty years." — *Prince's Annals [written in 1736], ed. 1826, p. 208.*

Chap. 58. This chapter is from archives, vol. 40, p. 496. It is recorded in council records, vol. VI., p. 568.

The order in Council* for the payment of the allowances granted in this chapter was passed December 22, 1697, and the province treasurer's account shows that the justices were paid accordingly.†

Chap. 59. This chapter is from archives, vol. 48, p. 282. It is recorded in council records, vol. VI., p. 568.

The order in Council* for the payment of the allowance granted in this chapter was passed December 22, 1697.

The following entry from the province treasurer's account shows that the amount was paid:—

“Paid James Maxwell door keeper & messenger to the Governour & Council and Assembly in full of halfe a yeares Salary ending the 8th December 1697 allowed by the General Assembly 15th — — —.”
— *Mass. Archives*, vol. 122, p. 135.

Chap. 60. This chapter is from council records, vol. VI., p. 568. It is preserved in archives, vol. 11, p. 126.

This is another instance of relief granted to a frontier town. See chapter 49, *ante*, and note.

The following petition contains the representation mentioned in the preamble to this chapter:—

“To the Hon^{ble} William Stoughton Esq^r Lieu^t Governour and Commander in chief in and over his Mat^{ys} Province of the Massachusetts Bay in New England, and to the Hon^{ble} Council and Representatives of s^d Province convened in General Assembly December 15th 1697.

The humble Petition of the Freeholders & Inhabitants of the Town of Stow within the Province aforesaid.

Sheweth

That the s^d Town being very poor and small, by reason of the War with the Indians (to whom the same is a Frontier) and also for Want of a settled Minister, hath of late out of Thirty six poor Families which were there settled, lost eight of them, by their removal out of the same Whereby, together with the great diminution of our Crops and the burden of Rates the s^d Town is more disabled from allowing meet Encouragement to the Ministry

Your Petitioners do therefore most humbly pray this Hon^{ble} Court, That you would please to grant some relief and help for the support & maintainance of the Ministry within the s^d Town, whereby more Inhabitants will be encouraged to settle in s^d Town and the present Inhabitants thereof will also be encouraged to abide & continue therein, many of which will otherwise desert and leave the same.

And your Pet^{rs} as in duty bound shall ever pray &c

In y^e name & by y^e ord^r of y^e Town

Φ THO: STEEUENS Cle.” — *Mass.*

Archives, vol. 11, p. 126.

This petition appears to have been read first in the House on the seventeenth of December and an order passed thereon in concurrence the same day, substantially in the form in which it appears in this chapter.

The order in Council‡ for the payment of this allowance was passed November 24, 1698; and the province treasurer's account‡ contains an entry showing that it was paid to the selectmen according to the order.

Chap. 61. This chapter is from council records, vol. VI., p. 568. It is preserved in archives, vol. 70, p. 365.

The following is the petition mentioned in the preamble to this chapter:—

“To the Right Hon^{ble} y^e Leiut^t Gon^{rn}r & Counsell & Great Asembly of y^e Massachusetts Prouince Setting at Boston this 14th of xbr 1697

The Humble Petition of Abraham ffoster Junir of Ipswich

Humbly Sheweth that whearas yo^r Hon^{rs} poor petition^r was in y^e last Ingagment with y^e Enemy Shott Through y^e body whear by hee is uncapable of off^{ll} obtaining his Liueing by Labour or doeing any Thing in order thear unto remaining Still under cure and Likly Soe to Continue for a Considerable Time Humbly prays on Consideration of y^e p^mises yo^r Hon^{rs} would be pleased to Grant him y^e Continuance of his pay untill y^e s^d Cure be Accomplished & he Shall as in Duty bound remaine

Yor Hon^{rs} Huml Orator

ABRAHAM FFOSTER.” — *Mass.*

Archives, vol. 70, p. 365.

This petition was read in the House on the seventeenth of December and thereupon on the same day the following order was passed and concurred in by the Council:—

“Ordered, In answer to this petition; That the s^d Abraham ffoster shall be allowed and paid out of the publick Treasury the Sum of Eight pounds for Smart money, besides his Wages until he was discharged.” — *Ibid.*

* Executive Records of the Council, vol. 2, p. 513.

† *Mass. Archives*, vol. 122, p. 137.

‡ *Ibid.*, p. 563.

§ *Mass. Archives*, vol. 122, p. 150.

|| *Sic.*

The concluding clause of the order being a subject within the province of the commissioners on the war, or on debentures, was omitted by the Secretary when he made up his records.

On the twenty-third of February, 1697-8, an order was passed in Council* for the payment of the allowance for "smart money," and the treasurer's account† contains a charge to Foster for that amount paid to him accordingly.

Chap. 62. This chapter is from council records, vol. VI., p. 569. It has not been found in the archives.

A rumor had reached Boston as early as August, 1695, of Bellomont's coming over as the successor of Sir William Phips. This rumor was confirmed on the twentieth of the following month by tidings brought in a brigantine belonging to John Borland which had just arrived after a six weeks' voyage from Falmouth, England. This confirmatory report, however, conveyed the impression that the Governor would not "come over before the spring."

The next news concerning Bellomont's coming over was brought by Captain Benjamin Gillam who arrived at Marblehead on the ninth of December, 1697, "about 3 p.m.,"‡ and who brought over letters and passengers. One of the newly arrived passengers was John Willard who had fled to England to escape prosecution for aiding Mrs. Cary in her escape from Cambridge jail, in 1692, when she was under commitment on the charge of witchcraft. He came to Boston on the tenth, bringing with him despatches, including an order for publishing the proclamation of peace between England and France;§ and by him and others came the report that Bellomont was already on his way to his government in America, in one of the ships of the royal navy. The news being confirmed by further intelligence brought by other vessels arriving about this time, the Lieutenant-Governor despatched the following letter to New York by mail:—

"Sr

On Friday the 10th curr^t arrived here Capt Gillam & Capt Bant; by whom I was entertained with the long desired & gladso^m Tidings of your Ex^{cys} being on your Voyage towards your Govern^t and I hope these will meet your Ex^{cys} safe arrived at N Yorke, the notice whereof will be exceeding welcome to me, and much more to receive the full accomplish^t of my earnest longings to have the happiness of waiting on your Ex^{cys} within this your Govern^t

By these ships I also received a L^{re} from the R^t Hon^{ble} the Lords Com^{rs} of the Council of Trade & Plantations. containing a Proclamation of the Peace with a Com^d for publishing the same which was accordingly with due solemnity, done here the same day.

His Mat^s subjects within this Province are in a present quiet and much rejoiced at the report of your Ex^{cys} coming and at the happy news of this Peace now concluded with France Expecting considerable relief and ease thereby Altho the Frontiers must stil of necessity be supported, and will be obliged to continue upon duty until the Indian Rebels be reduced to their obedience which I hope by yo^r Ex^{cys} more happy conduct will in time be effected.

I continued the General Assembly of this Province at their last session upon a Prorogation unto the 15th of this month, that they might have been at hand to attend your Ex^{cys} Soon after your arrival, so long with earnestness expected, which time is now so near that it will not be convenient to prorogue them further before their coming together first, which will have this advantage in it to them that they may have the opportunity of making a suitable address to yo^r Ex^{cys} as an happy beginning of their further dutifulness and respects.

Your Ex^{cys} directions & Com^{ds} in whatsoever you may think meet to reco^mend to my care & observance until your happy arrival with us (which I earnestly pray may be in the best season) shall be attended with all cheerfulness by

Sr Your Ex^{cys}

Boston Dec^r 13th 1697

Most humble Servant

WM STOUGHTON

Earle of Bellomont." — *Mass. Archives*, vol. 3, p. 62.

Mr. Secretary Addington also wrote as follows:—

"May it Please yo^r Excy./.

The Intelligence of yo^r Excys being upon yo^r Voyage towards yo^r Govern^t over these his Mat^s Territorys was entertained with a general Satisfaction and rejoyceing of his Mat^s Subjects in this Province, and by none with greater than my Selfe, and the speedy passage of some of the Ships that waited on yo^r Ex^{cys} part of the way Encourageing me to hope that yo^r Ex^{cys} has been favoured with a like speedy and prosperous Voyage. I could not omit my duty by this Post humbly to congratulate yo^r Excys Safe arrival within yo^r Govern^t of New yorke hoping it will not be long before this Province be also made happy by yo^r Excys presence here, and that I may receive the honour of paying my duty in waiting upon yo^r Ex^{cys}. what Com^{ds} yo^r Excy shall please to laye upon me in y^e mean time shall be cheerfully observed with most dutiful Regard. his Honour y^e Lt Gov^r gives yo^r Excy an acco^t of y^e present State of the Province. Humbly begging yo^r Excys pardon for this boldness & your favourable acceptance of the Tenders of my most cordial duty and Service I crave leave to Subscribe

Yo^r Excy^s most humble

Obedient & ffaithful Serv^t

Boston. 13th Decem^r 1697.
vol. 106, p. 425.

I[SAAC] A[DDINGTON]. — *Ibid.*,

* Executive Records of the Council, vol. 2, p. 522.

† Mass. Archives, vol. 122, p. 137.

‡ Sewall's Diary, vol. I., p. 465.

§ Executive Records of the Council, vol. 2, p. 510.

With more deliberation the House took into consideration the subject of appointing a committee to wait upon His Excellency upon his arrival at New York. On the sixteenth, as a matter of courtesy and duty, the representatives sent up a message to the Lieutenant-Governor and Council, to which a courteous reply was sent down by message. These proceedings are recorded as follows:—

“Some Members of the Assembly being sent up from the House to know his honours Pleasure relating to the Nomination of Persons to wait upon his Excellency the Governour, upon his Arrival at New York

His honour upon Advising with the Council Sent to Inform the Assembly that it was thought most Agreeable, that the Council do Advise upon the Nomination of two, And that one be Nominated by that House.” — *Council Records, vol. VI., p. 567.*

In conformity with the wish of the Council the committee was constituted as shown in this chapter, which is the record of the concurrent action of the whole Assembly.

The vessels bringing the news of the Governor's departure from England sailed from Cowes on the eighth of November, at noon, making an extraordinarily quick passage, and it was believed, therefore, that news of the Governor's arrival at New York would soon follow; but though daily expected he did not arrive* until the first of April, when he reached Sandy Hook, and landed in the city on the following day. The first information of this arrival was brought to Boston on the twelfth by a sloop from Sandy Hook. Bellomont found, awaiting his coming, letters and other despatches from the authorities at Boston. Among the rest was a proclamation for a fast which it would seem was kept, in part, on account of the apprehensions occasioned by his prolonged absence. This proclamation was ordered by the Lieutenant-Governor and Council on the twenty-fourth of February, the day of the dissolution of the Assembly, which had been prorogued from the twenty-second of December in the hope of Bellomont's being able to meet them in a new session.

The expressions of satisfaction at his appointment and the knowledge that a day had been set apart for prayers for his safety were most gratifying to Bellomont. On the second day after his arrival, therefore, he despatched the following letter to Boston by the regular post:—

“N. York 4th april 98.

Gentlemen

I thanke god I arriv'd safely at this place the 2^d Inst, after a tedious troublesome voyage; and here I have met wth an effectnall demonstration of your kind good wishes to me, express'd in the Late proclamation whereby you Injoin a fast; for which I give you my hearty thanks, and must acknowledge the efficacy your devout prayers had in rescuing me, as I believe they did, from the dangers of storms and seas, and likewise from the sickness w^{ch} broke out again at Barbados some time before my Coming from thence Inasmuch as God was pleas'd to spare me and all that belong'd to me, tho' my Lieut Govr of N. York who Came from Engl^d wth me, Lost two servants out of three w^{ch} he Carried to Barbados. I am newly out of a fit of the gout, occasion'd as I believe by the Cold I suffer'd on ship-board now Lately on this Coast: and because I write wth trouble to me, I Cannot pretend to write to you of businesse till the next occasion, when god willing you shall hear further from . . . Gentlemen Your very affectionate friend

and humble servant

for his M^{ts} Service

BELLOMONT

For The hon^{ble} the Lient Governour and Council of his M^{ts} Province of Massachusetts bay Boston.” — *Mass. Archives, vol. 106, p. 423.*

On the same day, Benjamin Jackson despatched to Stoughton and the Council the following account of the Governor's arrival and of his desire to be waited upon at New York by a delegation from the Council:—

“New. Yorke the 4th of April 1698./

May it please your Hon^{rs}/

His Excellency the Earle of Bellamont, being arrived from Barbadoes, came on shoar at this place, and was sworne on Saturday Last; of which you will Doubtlesse have advice from himselfe, for the respect he beares to you is very great; and he has been pleased often to expresse it in my hearing in the most Obligeing Termes.

His Excellency would take it very well, if some Gentlemen of the Council were appoynted to come from you to congratulate his safe arrivall, for the affaires of the Government here, will Keep him from you for some time.” — *Ibid., p. 421.*

These letters did not reach their destination until the fifteenth,† three days after the news of Bellomont's reaching New York had been brought by water.

Before these letters came, preparations were already being made for the departure of the commissioners‡ and for the reception of the new Governor at Boston and for his residence there.

* “April 2 . . . No News of the Governour from N. York by the Post.” — *Sewall's Diary, vol. I., p. 475.*

The following is Hutchinson's brief explanation of the delay, which he prolongs a month:—

“The earl of Bellamont embarked on board one of his Majesty's ships early in the fall. The merchant vessels, which sailed at the same time for Boston, all arrived safe with short passages; but the man of war was blown off to Barbados, and there wintered, not arriving at New-York until sometime in May.” — *Hist. of Mass., ed. 1767, vol. 2, p. 108.*

† “Apr. 15. Post comes to Town. Apr. 16. His Excellencies Letter to the L^t Governour and council is read, dated Ap. 4. N. York. Thanks for Praying for Him, which saw by the order for the Fast; doubts not but fâ'd the better. Shall write more by the next, was now in pain by the Gout.” — *Sewall's Diary, vol. I., p. 477.*

‡ “Apr. 14 . . . When came from the funeral, went to the Town-house, and there the L^t Governour deliver'd Maj^r Gen^l Winthrop, &c, their Co^mmission for going to N—York.” — *Ibid.*

The following order in Council had been passed on the fourteenth to provide money to defray the expense of the journey to New York:—

“April 14, 1698. Whereas Wait Winthrop, Elisha Cooke & Penn Townsend Esqrs are appointed by the Great and General Court or Assembly to undertake a Journey to New Yorke to wait upon his Excy Richard Earle of Bellomont, Captain General, & Genl Governour in and over his Majty's Provinces of the Massachusetts Bay, New Yorke, and New Hampshire upon advice of his Excellcy's arrival at New Yorke, with a congratulatory Address from this Government

Ordered: That pursuant to the Act for granting unto his Majty a Tax of six thousand and forty pounds ten shillings upon Polls and Estates made and passed by the General Assembly at their session in October last past, amongst other uses applied for the support of the Government and answering of the incident and contingent charges in & about the same. Mr Treasurer do pay and deliver unto the said Wait Winthrop, Elisha Cooke and Penn Townsend, or to one or more of them the sum of one hundred pounds* towards defraying of the charges and Expences of themselves & Attendants in the aforesaid Journey.

WM STOUGHTON.

Advised and Directed. That the Gentl appointed to wait upon his Excellcy the Earle of Bellomont at New Yorke, do draw upon the Treasurer for what moneys they shall have occasion to expend there and on their Journey, over and above the hundred pounds ordered them.”—*Executive Records of the Council*, vol. 2, p. 530.

On the nineteenth, the commissioners set out on their journey, accompanied, part of the way, by members of the Council and other gentlemen of distinction,† and bearing with them, besides their credentials, the address and instructions adopted by chapter 66, *post*, together with the following letter from the Secretary:—

“May it please yor Excy.

Upon ye 13th of x^{br} last I presumd to pay my duty unto yor Excy in a few lines then forwarded to New yorke in hopes to have congratulatd yor Excy's safe arrival there abt that time, the Postmar informes me he left my Lette[r] with m^r Livingston wh^{ch} I hope has been presentd but lest that has fail[ed] I am humbly bold to express my duty by letting yor Excy know the great rejoyceing and Satisfaction I received from the certain c[onfir]mation of ye news of yor Excy's preservation and being [safely in] New yorke, For wh^{ch} I thankfully adore ye divine goodness [and am] passionatly desirous of enjoying the honour and happiness of [waiting] upon yor Excy within this yor Governmt. What Comands in the [mean] time yor Excy shall please to lay upon me shall be cheerfully embraced [and] wth utmost diligence observd by him who in all things shall studiously approve himselfe.

yor Excy's most obedient Faithful Servt.

Boston Apr^l 18th 1698./.

Earle Bellomont.”—*Mass. Archives*, vol. 106, p. 425.

I[SAAC] A[DDINGTON]

The reply of Bellomont to this letter has not been found, although he answered the Secretary, as appears by the following letter by Addington:—

“Boston. 4^o May. 1698

May it please yor Exceelleney./.

I am greatly obliged for the honour of yor Excy's very kind Letter of the 27th of April past, and render yor Excy. all hearty acknowledgem^t and thankfulness for the same, with the assurance of my utmost care and diligence to observe yor Excy's Comands to me therein. No ship has arrived here from England since those that came out at ye same time with yor Excy. one or more are daily expectd from thence, nor have we any late intelligence from England by way of Madra Jamaica or Barbados onely the Report of a Fire breaking out at Whitehall. and of a war with Algier, which want confirmation. The inclosed prints of his Matys speech to the Parliam^t and the humble Addresses of the Lords and Comons, came to Town since the last post & were new to us which I have proenred to transmit unto yor Excy. not knowing whither yor Excy may have before seen them or not.

This his Matys Province thro. mercy is in present quiet some rumors have been of Indians not long since seen about Piscataqua, but no mischief done by them that I hear of, the state of Affayres here will be representd by the Gentl sent from hence to wait upon yor Excy (now at New yorke). since whose departure, nothing has occurred worthy yor Excy's notice, as any thing do's, the Intelligence thereof shall be forwarded by him who is wth all dutiful observance and Respects.

Yor Excy's most obliged Thankful

and very humble Servant,

I. A.”—*Ibid.*, p. 426.

On the twenty-first, Stoughton addressed the following letter to the Lords of Trade:—

“R^t Honble

May it please yor Lordpps

In my Letters of the 1st of April instant I acquaintd yor Lordpps with the state of Affayres here, at which time I had not the Intelligence of the Earle of Bellomonts arrival at New yorke; but since that receiving the certain notice thereof from his Lordps own hand, I embrace this next opportunity to let yor Lordps understand the same, haveing nothing further at present to add unto my former necessary for his Majty's Service

I am R^t Honble Yor Lordpps Most affectionate

Boston. April. 21th 1698./.

& most humble Servant.

Lords Comissionrs of the Council
of Trade & Plantacons

W. S.

W Cap^t Rouse in ye Barque Andrew & Samuel.”—*Ibid.*, p. 425.

* *Mass. Archives*, vol. 122, p. 137.

† *Sewall's Diary*, vol. I., p. 478.

‡ Manuscript mutilated.

The commissioners returned on the twenty-sixth of May and brought with them a letter from His Excellency to the General Assembly.*

The expenses of this commission, amounting to £172 8s. 5d., were allowed by an order in Council† passed November 28, 1698.

Chap. 64. This chapter is from council records, vol. VI., p. 569. It has not been found in the archives.

For a narrative of some of the prosecutions in which were incurred the expenses the payment of which is provided for in this chapter see the note to private act, vol. VI., number 16.

The order in Council‡ for the payment of this allowance was passed December 31, 1697, and in his account§ the province treasurer enters this item as paid.

Chap. 65. This chapter is from council records, vol. VI., p. 570. It is preserved in archives, vol. 40, p. 498.

With the exception of Baptiste, who it was claimed was a subject of the king of England, the French and Indian prisoners of war appear to have been released upon the proclamation on the tenth of December;|| but the dates of the charges in this account indicate that the prisoners remained in their old quarters under Ray until arrangements could be made for their extradition or for their entertainment elsewhere.

The following is Ray's account mentioned in the preamble to this chapter and which appears to have been presented on the day this chapter was passed: —

“BOSTON IN N E 1697 —

| | | |
|---|-----|-------|
| The Country to Caleb Ray Keeper of his Majties Goal in Boston Since y ^e Last acco ^t given In y ^e 13 th of October for keeping of Seuerall French Prisoners and Indians. Is | Dr. | |
| To keeping of Capt Villeau from y ^e 13 th of october to y ^e 4 th . of December hee went to Salem In order to goe to OPorto Is 7 weekes 3 days at 5/ 4 ^p week | 1 | 17 2 |
| To ditto of Cap ^t Baptist from ditto 13 th 8ber. to y ^e 18 th December Is 9 weeks 3 Days at 5s ^h 4 ^p week | 2 | 7 2 |
| To ditto of 13 french men from ditto 13 th 8ber to y ^e 24 th of nouember they were sent aboard y ^e Arundell friggat by ord ^r of y ^e Lt Gouvernor and Council Is 6 weeks each person at 4/ 4 ^p week | 15 | 12 - |
| To Ditto of 2 men Cap ^t Cap ^t ¶ Gibbs bound to newfoundland wch belonged to Cap ^t Baptist named Isaac & Lempriere from y ^e 13 th of 8ber to y ^e 29 th nouember Is 6 weeks 5 days at 4/ 4 ^p week each Is | 2 | 13 8 |
| To ditto of one of cap ^t Pilett his men who went w th aboues ^d Cap ^t Gibbs Is one week named Calton | 0 | 4 - |
| To ditto of 2 men Belonging to Cap ^t Pilett named Bertran Cofelong & Jn ^o Bodry from y ^e 24 th . 9ber to y ^e 16 th xber Is 3 weeks 1 day Each y ^e went w th Cap ^t Records to Barbados at 4/ | 1 | 5 1 |
| To ditto of one of Cap ^t Pilett his men named Jn ^o Russell who was sent by y ^e Lt Gouvern ^r his order to Ipswich one week 4 days | 0 | 6 3 |
| To ditto of Pilett & his Lt Paige & 2 Gent sons belonging to Cannada for their entertainem ^t of Chamber Beding & fireing, Creditably according to y ^e Lt Gouvern ^r & Council their order wch cannot be afforded at this time vnder 8/ 4 ^p week at this time for Each from y ^e 24 th 9ber to y ^e 18 th xber Is 3 weeks 3 days each | 5 | 10 - |
| To ditto of s ^d Cap ^t Pilett his 13 men remayning and not disposed of ditto 3 weekes 3 days Each at 4/ 4 ^p week | 8 | 17 8 |
| To ditto of Bomazyn & Shepeott Jn ^o his 2 sons from y ^e 13 th . of october to y ^e 18 th . xber. Is 9 weeks 3 days each at 4/ 4 ^p week | 5 | 13 - |
| To a Load of Charcoale put in | 1 | 10 - |
| | 45 | 16 .. |
| | 2 | 14 4 |
| | £43 | 1 8 |

Boston 18th. December 1697

CALEB RAY.” — *Mass.*

Archives, vol. 40, p. 499.

The award of the auditors to whose decision the amount of Ray's claim was submitted is as follows: —

“Boston February 22^d 1697/8

In pursuance of the abovewritten order We have audited the withiu acc^t of Caleb Ray, and judging 6/ 4^p week to be a sufficient allowance for keeping Cap^t Pilet, his Lieu^t & 2 Gent^ls sons, for which the s^d Ray hath charged 8/ 4^p week and also judging 4/ 4^p week

* Council Records, vol. VI., p. 576.
† Executive Records of the Council, vol. 2, p. 564.
‡ *Ibid.*, p. 516.
§ *Mass. Archives*, vol. 122, p. 121.
|| Sewall says that the peace was published December tenth, with “Eight or 10 Drums, Two Trumpets: Prisoners released.” — *Diary, vol. I., p. 465.*
He also wrote as follows to Sir Henry Ashurst: —
“ . . . Capt. Gillam had the happiness to Arrive at Marblehead upon Dec. 9: By which means the Orders were received, and the year begun with the Proclamation of the Peace, on the Tenth; which was done by beating of Drum and sound of Trumpet, and very loud Acclamations of the People. The Lt. Gov^r, Council, and many Gentlemen besides, being assembled at the Council Chamber on occasion of this solemnity. The Prison doors were opened, and the French Prisoners cheered with wine but more with Liberty.” — *Letter-Book, vol. I., p. 194.*
¶ *Sic.*

They also filed the written depositions of John Brigham, Samuel King, Daniel Haines, Joseph Sherman, John Loker, Matthew Rice and Thomas Sawin, sustaining the allegations of their petition.

The justices appeared, according to notice, and, without denying the allegations of fact, professed their ignorance of the alteration in the law with regard to appeals—the act of November 1, 1692,* which was the only express statute against lying and libelling, and which allowed no appeal from the sentence of a justice of the peace, having been changed in this respect by the act of June 28, 1695.†

The hearing was on the twenty-first of December, and the next day the order constituting this chapter was passed, in concurrence.

At a court of General Quarter Sessions of the Peace, held at Charlestown, on the eighth of March, 1697–8—Mr. Justice Browne being one of the justices sitting—the appeal of the above-named petitioners was allowed, and proceedings were had, of which the following is the record:—

“Walter Sheppard & Isaac Rice appl^{ts}. agst y^e proceedings of James Minot & Thomas Brown Esq^{rs} pursuant to an order of y^e Generall Assembly laid before this Court. whereby they are ordered to hane their appeal (which they were denyed) from y^e Judgment or proceedings of James Minott & Thomas Browne Esq^{rs} at a Court by them held at Sudbury Sep^r 8: 1697. where Isaac Rice & Walter Shepard were fined Ten shillings Each of them to y^e King in money and to pay Cost of prosecution

Sheppard & Rice
vs
Justice Brown
& Justice Minott

The parties viz^t Walter Sheppard & Isaac Rice y^e Appellts and Thomas Browne Esq^r, and y^e whole Case being heard and declared was Committed to y^e Jury who Returned their verdict thereon finding y^e Reversion of y^e former Judgment and Cost of Courts.

The Court upon Adviseing hereon Confirme y^e Reversion of y^e fformer Judgment.” — *Records of the Court of Sessions, in the office of the Clerk of the Courts for Middlesex County.*

Chap. 68. This chapter is from archives vol. 70, p. 367. It is recorded in council records, vol. VI., p. 572.

This chapter was passed upon consideration of the petitions of several soldiers wounded in the eastern expedition under Major March. See further, resolves, 1699–1700, chapter 15.

1698.

Chap. 1. This chapter is from council records, vol. VI., p. 577. It has not been found in the archives.

The following is the vote of the Council inviting Noyes to preach the election sermon this year:—

“April 18, 1698. Voted: That Mr Nicholas Noyes Minister in Salem be desired to preach a Sermon in Boston upon the last Wednesday in May next being the 25th of the same, unto the General Assembly appointed to convene on that day.” — *Executive Records of the Council, vol. 2, p. 533.*

This vote followed the precedent of resolves, 1692–3, chapter 8; *q. v.*, and the foot-note.

Nicholas Noyes was minister of the First Church in Salem. His sermon, the text of which was from Jer. xxxi. 23, was printed, with a long title beginning “New England’s Duty and Interest,” etc. See Sibley’s *Harvard Graduates*, vol. II., p. 244.

On the twenty-ninth of August, Sewall sent the first bound copy of this sermon, with a letter, to the Earl of Bellomont, at New York. On the nineteenth of September he sent five more copies and another letter. Both of these gifts, as well as the second letter, he records in his Diary.

“First Letter was Augt. 29; sent the first and only book that was then bound in red leather.” — *Vol. I., p. 485.* See *ibid.*, pp. 478, 480, 484.

Chap. 2. This chapter is from council records, vol. VI., p. 578. It has not been found in the archives.

Of Bridger, whose name as well as Bellomont’s he invariably misspells, Hutchinson gives the following account:—

“John Bridges came to New-England by way of New-York in 1698, in the same ship with lord Bellamont. He was commissioned, together with Benja. Furzer, by the commissioners of the navy, to enquire into the state of the country and its capacity for producing naval stores, and they were to survey all the woods, not meerly for masts, but for oak timber for shipbuilding, for trees for tar, pitch and turpentine, and for land suitable for hemp. There being no hopes of success from the other parts of the commission, it was soon confined to the preservation of masts and, so far only, served as a precedent for succeeding surveyors of the woods.” — *Hist. of Mass., ed. 1767, vol. 2, p. 221, note.*

The following extract from a letter to Lientenant-Governor Stoughton, dated New York, April 4, 1698, throws further light upon the constitution of this commission appointed to survey trees suitable for masts and for ship-timber, and to purvey stores for the royal navy; and it will also serve to correct some errors in Hutchinson’s account of Bridger:—

“The two Gentlemen that were Nominated by the Navy board, for Com^{rs} for Navall Stores, wth whom m^r Partridge and my selfe are Joyned, being both taken sick, are yett in Barbadoes, but I hope they will come with Capt: Hobby, who was near ready to sayle when wee left Barbadoes; If they should dye (w^{ch} God forbid) wee have Power notwithstanding to proceed in that affaire.

* Province Laws, 1692–3, chapter 18, § 7.

† *Ibid.*, 1695–6, chapter 9, § 1.

I am assured of his Excellencies encouragement & assistance, and humbly pray for the same from your Hon^{rs}, and Doubt it not, since it is soe much for his Maj^{ties} service, and the Interest of New-England, w^{ch} by being made soe usefull to England, will be much more Esteemed there and may expect greater favours from thence by this then by any other meanes whatsoever, and alsoe be made rich and great thereby. But if this be not carryed On for the Countreyes advantage for want of Due encouragement to those that are employed in it, it will fall into such [hands*] as will manage it to the Countreyes great[*] Disadvantage. with all imaginable respect I Subscribe my Selfe

Your Hon^{rs} most Faithfull

Obedient Humble Servant

BENJA JACKSON." — *Mass.*

Archives, vol. 106, p. 421.

Neither Bridger nor Furzer is mentioned by Beatson or Haydn, although both of these authors give the name of Daniel Furzer as at that time surveyor of the royal navy. The surveyor had two joint surveyors to assist him; and possibly Bridger may have been the junior of these, with whom, also, Partridge and Jackson appear to have been associated in this country. Benjamin Jackson was of Boston during Phips's government. He was the private secretary and a steadfast friend of Phips, whom he seems to have accompanied or followed to England. Of him Hon. James Savage thus briefly writes: —

"Benjamin Jackson, whom Sir William, by a disputed exercise of authority, had named his deputy to act as naval officer here. He was charged as accessory in the indecent assault made by the Governor upon Brenton, the king's collector in Boston." — *Notes on a letter from Elisha Hutchinson in Proc. Mass. Hist. Soc., vol. II., p. 298.*

Partridge, who was afterwards Lieutenant-Governor of New Hampshire, although he is not mentioned as one of the commissioners in the letter from Bellomont to the Lords of Trade (an extract from which is given below), did actually serve as surveyor, to the great annoyance of Bellomont who charged him with exercising his authority for his private gain; that is, in procuring timber to be shipped to Portugal, on his own account, that he should have purveyed for the English navy.

The following is the extract from Bellomont's letter: —

"A foolish and unhappy parcimony in the surveyors, Mr. Bridger, Mr. Furzer and Mr. Jackson, the two first appointed by the Admiralty and Navy Wards, and the latter by Sir Henry Ashurst, to make survey of the woods, and other conveniences, in these His Maj^{ties} territories for Naval Stores, has been the occasion of great disappointment and losse of time in that affair. They were ship'd on board the Deptford, by an order of the Admiralty, of their procuring, and so were forced to Barbados where Mr. Furzer and Bridger fell sick of the Feaver three or four days before I left Barbados, contracted by a debauch they made; Mr. Furzer dyed, who I believe was the best of the two, but Mr. Bridger recovered, followed me hither, and I have sent him to Boston with a letter earnestly recommending him and the design he is employed in, to their effectual kindness and furtherance, a copy whereof I now send your Lordships. Mr. Jackson is still here upon some businesse, but is to follow Mr. Bridger in a day or two; my letter is directed to the Lient. Gov^r Councill and Assembly, and will go to them in a fit juncture of time, because the Assembly of that province are now sitting. One thing I am apprehensive may somewhat obstruct the progress of this design for the present though the Govern^r of Massachusetts Bay were well affected to it, and that is the Eastern Indians being still in warr with the English of that province (as by a copy of Mr. Usher's letter to me your Lord^{sh}s will see) it will be very expensive for the Province of Massachusetts to maintain a sufficient Guard for the Surveyors, but if they require it of me, I'll furnish them with forty or fifty soldiers from this and the other garrisons in this province." — *Provincial Papers, New Hampshire, vol. II., Part I., p. 344.*

No copy of the proposal mentioned in the preamble to this chapter has been found, but the fact of its presentation is thus recorded: —

"May 26, 1698. Mr Bridger one of the Purveyors for Naval Stores for his Maj^{ties} Service presented unto his honour the Lieut Governour a Letter from his Excellency the Earl of Bellomont, directed unto the General Assembly referring unto that Affair, which was read at the Board, and Sent Down unto the Assembly." — *Council Records, vol. VI., p. 576.*

Neither the names of the House members of the committee, whose appointment was provided for by this chapter, nor the report of the committee, has been found, but probably the latter was substantially the same as chapter 22, *post*.

Chap. 3. This chapter is from council records, vol. VI., p. 580. It is preserved in archives, vol. 11, p. 127.

The following is the petition mentioned in the preamble to this chapter: —

"To y^e Hon^{orable} W^m Stoughton Esqr Lt^t Govern^r & the Counsell & Representatives Convened in Gen^l Corte this 25 May 1698

The Humble Petition of Abram Williams of Marlborough

Humbly Sheweth, that Whereas yor Petition^r hath of late meete with much difficultie & dissatisfaction at the proceedeings of Thomas fforbush against me in a way of Law, something of which I shall here relate, & haveing Libertie I shall more fully make to appeare Before yor Honors; The s^d Thomas fforbushes Wife haveing shewed her desires to joyne in full Comfunion in or Church or Pastor p^sented her desires to the Church & her declaration being Brought & reade before the Church or Rev^d Pastor (as is Useall to doe) declared a libertie to any of the Brethren to p^sent any Objection they might have, Whereupon I then being p^sent & haveing Knowledge of her Unworthy carriages & behaviour of her self in Useing Vicious & Corrupt Languages I then Objected against her and sayd her Conversation & her declaration did not agree & being vrged Wherein; I sayd as I Knew

it in my Conscience to be that she was both Scandolous & Clamorons Upon which Witnesses of sayd words are improved against me & s^d s^rforbush in his Wives behalf hath prosecuted against me Before the Worship^l Thomas Brown Esq^r Obtained a judgem^t agst me for defamation of s^d Woeman & was fined 15^s money & Costs 11^s money Although Witnesses might have beene Obtained to have Cleered me, had the Authoritie of y^e Law beene attended to have caused the Witnesses to have Given in their testimonys as they should & Ought to have done Nevertheless y^e aboves^d Extremities are put upon me & Besides all which I am Bound with two Sureties to his Maj^{ties} Peace; Now My desire is That yor Hono^{rs} would please (although I have inconsiderately Neglected the pleadeing the Grant of an Appeale from s^d Sentence in season according to Law) To Grant That I might have an Appeale to y^e Next Qu^r sessions of the Peace in the County of Middlesex, Having Now Obtained full Evedences in this matter to cleere my Name & reproach I lye under & am like soe to doe if I can have No Releife from s^d Judgem^t & proceedeings agst me as alsoe to put an End to the Uncomfortable trouble I meete with all at home Upon the same account & for yor Hono^{rs} I shall Ever Pray. —

ABRAM WILLIAMS." — *Mass.*

Archives, vol. 11, p. 127.

This petition was read in Council on the thirtieth of May, and on the next day the following resolve was passed thereon and sent down for concurrence: —

"Resolved, That the Pet^r have a hearing in forme of an Appeal as prayed for." — *Ibid.*

The House on the first of June "resolved a concurrence."

It has been found impossible, thus far, to explain the following subsequent entry, which casts some doubt upon the former record; but, in the absence of the House Journal, it can only be surmised that the Secretary made this last entry through inadvertence: —

"June 4, 1698. A Bill to enable Abraham Williams of Marlborough to appeal from a Sentence given against him by Justice Brown unto the next Sessions of the Peace in Middlesex was read, and resolved to be engrost, and Sent down for Concurrence." — *Council Records, vol. VI., p. 585.*

No entry of this appeal has been found in the records of the Court of Sessions for Middlesex County, which seems to confirm the suspicion, caused by the apparent inconsistencies in the council records, that the resolve was not consented to by the Lieutenant-Governor.

Chap. 5. This chapter is from council records, vol. VI., p. 586. It is preserved in archives, vol. 70, p. 373.

The following is the petition mentioned in the preamble to this chapter: —

"To the Honourable W^m Stoughton Esq^r Lein^t Gov^r & c: of his Maj^{ties} province of the Massatusets Bay in New-England, together with the Honoured Council, and Representatives, assembled in Gen^l Court, at Boston May y^e (25th) (1698) in the tenth Yeare of his Maj^{ties} Reigne. &c

The petetion of Jam^s Converse of Woobourne in the County of Midd^x in y^e afors^d province, —

Humbley Sheweth

That your petetion^r haueing been Considerabley Improued In his Maj^{ties} service in this present warr with the Indians, for severall Years together, as most of Your hon^{rs} know, — but your petetion^r hath not Yett rec^d y^e acustomed wages. nor that Incouragment, that others (of the like Circumstances) haue had; for in the Yeare ninty, & part of the Year ninty one, by a Comission from the Gov^r and Council, for halfe A yeare together, he held a truce with the Indians, in ord^r to the Redemption of Captiues, for which service he rec^d but fiue pound p^r month, there was six pound of y^e acustomed Wages kept back, also in y^e Yeare ninty three Your petetio^r (by A Comission from his Exclency S^r W^m Phipps) had the Cheif Co^mand of A small Regament, against the f^rench and Indian Eⁿemy, as Maj^r, which Expedetion held about three months, at which time also your petetio^r rec^d but Eight pounds p^r month, when as the Rule of this Court then was, and pas^d into an act since, ten pounds p^r month, so that there was six pounds kept back of the acustomed Wages, also If Your Hon^{rs} pleas to Remember, that som other Comanders of the like Circumstances, as Maj^r Church and Maj^r March, did not only Receiue ten pound p^r month wages, but money to bare their Expen^e, for Mustering and the like, one of them twenty seven pound, y^e other Eightene or twenty, now y^e Comision^{rs} promised your petetio^r that as Maj^r Church and other Comanders of the like nature, did receiue, he should haue the same made vp to him afterwards, and Your petetio^r hath Expended of his own money vpon these Ocasians aboue thirty pounds, and hath not rec^d one peney of the Countreys to help therein, and the most part of the pay he rec^d was in bills, which then were sold som for twelue som forteene or sixteene shill^s in y^e pound, whereby your petetio^r lost Considerabley; som Co^mand^{rs} bought their mens debent^{rs} und^r price, whereby som haue been s^d to advantage themselues hundreds of pounds, but your petetio^r never bought somuch as one th^o he had y^e offer of many hundreds, — so y^t in the whole he never Rec^d clear for his Wages not three shillings a day, and somuch a porter might haue had, every day, besides your petetio^r supplied the place of A Chirurgeon in his severall Companies for near two years, and as yett hath not had one peney allowance, which saued the province aboue a hundred pounds, and further y^e former, or at least) other Co^mand^{rs} haue had the bennifit of Captiues & plunder but your pet^r had all his captiues Improued: to redeeme som of our English, Maj^r Church had fiue pound apeice for his, Your petetio^r also in y^e Year (93) did by the Gov^{rs} ord^{rs} twelue days hard work at Salco fort, In clearing ground near twenty acres, and diging stons (made hand barrows) and Carried them to place, and dugg clay and loom enough to build the fort with (as was Judged) other Comanders haue been allowed for such extraordinary work but your petetioner was allowed nothing, and furthermore your petetio^r in y^e Year (92) was sent eastw^d in ord^r to y^e Redemption of captiues, where y^r

lay a long time in cold wether, and he being Ill when he went from hom, got an exstream Cold in his head, which much Impairs his hearing, of which Mallady (as yet) he can gitt no Remedy thō. he hath been at pains and cost about it

The premises Considered in each and every part, Your Honrs petetior humbly prays that he may haue ordered him by this Court som meet Compensation, in A way of equety compared with others of his fellows, as to al y^e former perticulers, but as to his loss of hearing which y^e providence of god (purely vpon y^t ocasian) brought vpon him, he never expects A full Recompence, how ever what this high and honourable court pleaseth, he hopes shall make him quietly submitt, how ever it may pleas god to deale with him in y^t matter and Remaine in all bounden dutyes ever to pray &c:

JAM^s CONVERSE." — *Mass.*

Archives, vol. 70, p. 372.

This petition was read in the House on the twenty-eighth of May, and referred to a committee. On the seventh of June, probably upon the report of this committee, a resolve was passed that the "petitioner shall be allowed and paid out of the public treasury the sum of twelve pounds as a compensation for the premises within mentioned." This resolve, in which the Council concurred on the eighth, was recast by the Secretary into the form in which it appears in this chapter.

The order in Council* for the payment of this allowance was passed July 22, 1698, and the next account† rendered by the province treasurer contains a charge of this amount as paid to Converse.

Chap. 6. This chapter is from council records, vol. VI., p. 586. It is preserved in archives, vol. 70, p. 378.

The following is the petition mentioned in the preamble to this chapter:—

"To the Honob^{le} William Stoughton Esq^r Lieutenant Governour: and to the Council and Representatives in General Court Assembled.

The humble Petition of Eliezer Rogers of Plymouth

Sheweth

That your Petitioner being a Soldier under the Comānd of Captain Thomas Dymock did on the ninth day of September last (1697) receive Several wounds in an Engagem^t with the ffrench and Indians att Winagants. particularly he was shott through the Thigh, and through the right side of his head which put out his Eye, and has made him in a great measure incapable of his Employment.

Yor Petitioner therefore humbly prays that he may have his Cure perfected att the publick Charge, and may have such further Stipend and pension as to this Honob^{le} Court shall Seem reasonable,

and yor^t petitioner as in duty bound shall ever pray &c

ELIAZER ROGERS." — *Mass.*

Archives, vol. 70, p. 378.

On the thirty-first of May this petition was read in the House, and committed; and on the seventh of June a resolve was passed granting the allowance to Rogers, as set forth in this chapter, but without any description of his injuries. In this resolve the Council concurred, on the eighth, and the Secretary, according to his custom, when he recorded it, added the last twelve words of the chapter.

The order in Council‡ for the payment of this allowance was passed on the twenty-second of July, and the province treasurer's account§ contains an entry showing that it was paid.

Chap. 7. This chapter is from archives, vol. 70, p. 379. It is recorded in council records, vol. VI., p. 586.

The provocation which induced the passage of this chapter was the murderous attack of the Indians upon Andover the previous spring, "when between thirty and forty Indians surprised the town, killed five persons, burnt two houses and two barns with cattle in them — set another dwelling-house and the meeting-house on fire; but the fires were happily extinguished before they had done much damage. . . . They took Colonel Dudley Bradstreet and family and carried them about fifty rods from his house when they halted and dismissed their prisoners without offering them the least injury."||

The hostile attitude of the Indians at this juncture is properly called a "rebellion," since it occurred after the peace between France and England, settled at Ryswick, had been proclaimed on this side of the Atlantic, and after the Indians had understood that a permanent cessation of hostilities was to follow, and that they were to resume the fealty to England that they had formerly repeatedly professed.

The following is the record of the first measures taken to pursue these rebels:—

"Feb. 25, 1697-8. Upon Information given by some persons from the Town of Andover of the depredation and murders committed upon some of his Majty's subjects there and at Haverhill by the Indian Enemy and Rebels upon the 22nd of this Month, and of the pursnit that had been made out after them without any effect; withal signifying that it was thought fearcable¶ at this season to pursue and follow them unto the usual places of their randevouz, and that divers able Men in those parts, used to the Woods and to travail on the snow were ready to attend his Majty's service for such an Expedition, if called thereto, so that they be made up one hundred able effective Men.

Advised: That his honour the Lieut^t Gov^r &^{ca} do appoint and order Lieut^t Col: Elisha Hutchinson, Col. John Phillips and Lt Col: Joseph Lynde forthwith to under-

* Executive Records of the Council, vol. 2, p. 549.

† *Mass. Archives*, vol. 122, p. 148.

‡ Executive Records of the Council, vol. 2, p. 550.

§ *Mass. Archives*, vol. 122, p. 150.

|| Thanksgiving Sermon by Rev. William Symmes. Salem: 1769, p. 16.

¶ *Sic*: feasible.

take a journey unto Woobourne and such other Towns adjacent unto Andover as they shall think needful, with full Commission & authority to cause a detachment to be made of one hundred ablemen fit for travail and service, if they receive information and encouragement that such an Expedition is practicable at this season, and that such a number of Men fit & capeable of the same with all necessarys can be speedily raised and procured, and to carry with them blank Commissions to insert the names of such persons for Officers as they shall think fitt to take the conduct and command of s^d Company. and to forward the same." — *Executive Records of the Council*, vol. 2, p. 525.

An order in Council* was passed June 10, 1698, for paying £6 2s. to Captain Timothy Phillips, sheriff of Middlesex County, for the service and expenses of himself and his assistants in seizing and bringing to Boston, from Sherborn, "two Indians, father and son, commonly known by the name of David, suspected to be confederate with the Indian rebels and of being in company with them at the committing of the outrages and murders in the town of Andover in February last."

In this assault upon Andover, Captain Pasco Chubb, who surrendered the fort at Pemaquid, was the most conspicuous victim of the relentless cruelty of the savages. A great wrong seems to have been done to the memory of this unfortunate officer both in regard to his treatment of the Indians at Pemaquid and to his surrender of the fort. As to the former, it does not appear that his action was not in accordance with his instructions, and as for the latter, it ought to be his sufficient vindication, that, after an indictment against him for high treason had been procured by what looks like undue pressure, and after he had been held a prisoner, in close confinement under that charge, so long that the House of Representatives voted it a grievous infringement of the rights of the subject, he was tried and acquitted.

The record of his indictment on the first, if not the only, case of high treason tried in Massachusetts, during the provincial period, is given below: —

"Suffolke ss. At his Maties Superiour Court of Judicature Court of Assize and General Goale Delivery holden at Boston for the County aforesaid on the last Tuesday in April 1697. being the 27th day of s^d month.

| | | |
|-------------------------------|------------------|--------------------|
| Before the Hon ^{ble} | Thomas Danforth. | } Esqrs Justices — |
| | Wait Winthrop. | |
| | Elisha Cooke. & | |
| | Samuel Sewall | |

Pasco Chubb late Commander or Capt. of His Majties ffort at Pemaquid in the province of the Massachusetts Bay in New England was presented by the Grandjurors for Our Sovereigne Lord the King upon their Oaths; For that the s^d Pasco Chubb as a false Traytor against Our Sovereigne Lord the King afores^d, his Lawfull Prince and Sovereign Lord, not having the fear of God in his heart, nor weighing his due allegiance, but being seduced by a Divilish Instigation, his Hearty Love and true and due Obedience, which True & faithfull Subjects of Our s^d Sovereign Lord the King towards him do and ought to bear, intending altogether to withdraw blot out & extinguish. Upon the fifth day of August 1696 in the Eighth Year of His Majties Reigne at the s^d ffort of Pemaquid feloniously maliciously, and Traito^{rs}ly against Our Sovereign Lord the King to His Majties Enemyes the ffrrench Kings Subjects was adherent; and the s^d ffort at Pemaquid (of which he the s^d Pasco was Capt. or Commander in Chief) to the Open and declared Enemyes of Our Sovereigne Lord the King, the ffrrench Kings Subjects maliciously wickedly and Traito^{rs}ly, Voluntarily did yeild up and deliver, against the peace of Our Sovereigne Lord the King his Crowne and Dignity; and the Law of this province in that case made and provided.

*Dom. Rez.
ver.
Pasco Chubb.*

Upon which Indictment the abovenamed Pasco Chubb was arraigned; and upon his arraignment pleaded Not Guilty; and put himselfe for Tryal on God and his Country; a Jury being accordingly Sworne, James Smith Foreman, (no Challenges being made by the prisoner) The Indictment was read, and the Evidences for the King, and likewise the prisoners Defence fully heard; The Jury went out to agree on their Verdict, who Retnrning did in Open Court deliver their Verdict upon Oath, That the s^d Pasco Chubb is Not Guilty." — *Records of the Superior Court of Judicature, 1686-1700*, p. 118.

Chubb surrendered to d'Iberville and Bonaventure on the fifteenth of August,† 1696, and the latter took full possession of the fort the next day, and spent the two following days in destroying it. Charlevoix declares that his men compelled him to capitulate.‡ By the following letter and invoice from the commissioner of war, it would seem that fresh supplies of men and provisions must have reached him before the enemy had invested the fort: —

"Boston ye 17th July 1696

Capt Chub

By ye yoatt§ Dragon There is by ye order of ye Leiv^t Gov^r ffourty souldiers sent to Reinforce his majestys Garrison it is hoped they may come seasonable for yr releife & for ye safety of the ffort, they had come sooner if ye comand^r who were to raise part of ye sould^{rs} had not delayed beyond expectation, There was a shallop sent to give you notice of ye ffrrench men warr vpon ye coast & of ye Report of a body of ffrrench & Indians moveing to ye westward yr is allsoe by sd yoatt§ some provisions sent as ¶ Acc^t herewith sent & Three barrils of powder if yr be want of any thing let vs heare by ye Leiv^t of ye man of warr yt comāds ye yoatt§ who is to return hither with what speed he can This is ye needfull at present from

Your^s

JOHN WALLEY.

* *Executive Records of the Council*, vol. 2, p. 537.

† Hutchinson, and others after him, fix the date as the fourteenth of July; but Mather declares that it was the fifth or sixth of August, which agrees with the French "Relation," allowing for the difference of old and new style.

‡ Shea's Translation, vol. V., p. 25.

§ *Sic*: yacht.

Send a Lyst of ye sould^{rs} now delivered yon & let vs therein Know w^{ch} were ye sould^{rs} taken from Capt Emses ship, & give a Receipt to ye Leiv^t of ye men & provision deld you

Send word how long you reckon ye prov : } J W
you have & now sent will last you }

Invoice of provision^s shipt aboard ye yoatt* Dragon vnd^r coman[dt] of C[apt.] Bla[grovet] to be delivered at pemaquid to Capt pasco Chub for his majestys service July 17th 1696

2 Hogsheads Bread
2 hogsheads pease — 34. bush
5 bar : flower

7 Bar : Beafe
5 Bar : pork
4 bush : of pease
3 Bar : powder." — *Suffolk*

Court Files.

This letter has two endorsements or directions ; one "L^{re} to Capⁿ Chub. July. 17^o 1696," and the other "To Cap^t pasco Chubb Att pemaquid dd."

Chap. 9. This chapter is from archives, vol. 70, p. 380. It is recorded in council records, vol. VI., p. 588.

The proposals which form this chapter emanated, as appears in the chapter itself, from the House. The extract from the executive records given in the note to chapter 11, *post*, shows how soon the Legislature was forced to enlarge the establishment thus provided for in order more effectually to defend the western frontiers.

Chap. 10. This chapter is from council records, vol. VI., p. 588. It has not been found in the archives.

The order in Council† for the payment of this allowance was passed July 22, 1698. Only £21 18s. 11d. of the allowance to Preble and Austin appears as paid in the province treasurer's accounts,§ which are imperfect about this time.

Chap. 11. This chapter is from archives, vol. 30, p. 437. It is recorded in council records, vol. VI., p. 590.

The following entry in the executive records of the council shows more clearly the nature of the service for which English was rewarded by this chapter : —

"June 12, 1698. Upon Intelligence received that an Indian called Jo English formerly imployed in his Maj^{ty}'s service against the Indian Enemy and Rebels and wounded in the said service, and taken prisoner about twelve Months since, is lately come in to Deerfield who relates that he came from Canada about five weeks since in company of a party of Indians with some French joyned, to the number of near seventy in the whole (from whom he made his escape) and that sixteen of them are designed for Deerfield, and the remainder to assault the Frontiers lying upon Merrimack.

Advised: That there be forthwith a Levy made of one hundred and thirty Souldiers in two Companys, one whereof to be posted on the Frontiers about Chelmsford, Groton and Lancaster, and the other Company to be imployed on the Frontiers about Andover, Haverhill and Aimsbury for the better enforcement and defence of the Frontiers and the repelling and suppressing of the Indians or others, that shall attempt any hostilities against his Maj^{ty}'s subjects.

Advised also: That the said Intelligence be dispatched by the Secretary unto his Excellency the Earle of Bellomont at New Yorke by the next Post, and that his Excellency be humbly moved to restrain the Schattacook or River Indians from coming to the Eastward of Hudsons River or to transplant and place them in some of the Western Castles of the Five Nations that they may be the better prevented of joyning with or assisting of the Indian Rebels in this Province and to order the calling home of such as reside amongst them." — *Executive Records of the Council*, vol. 2, p. 538.

Another order in Council,|| for the payment of the allowance granted by this chapter, was passed on the twentieth of June.

Chap. 14. This chapter is from council records, vol. VI., p. 592. It is preserved in archives, vol. 58, p. 172.

Chap. 15. This chapter is from council records, vol. VI., p. 593. It has not been found in the archives.

The following is a copy of the letter written by Secretary Addington to accompany the address which was enclosed to the acting agents of the province in London : —

"Hon^{ble} S^{rs} /.

The Inclosed congratulatory Address of the Gen^l Assembly unto his most Excell^t Maj^{ty}. on occasion of the late Peace, and the appointing and sending of so noble and worthy a Lord to be our Govern^r is by their direction put under cover unto yor^s Selves, to be present^d in the Speediest & most fit Season by yor^s hands, requesting yor^s care therein I am.

Boston. June. 28th 1698./.

Yo^r most affectionate humble Serv^t.

I: A.

This together with y^e Address from y^e Assembly and m^r Speakers L^{re} sent ¶ Capⁿ Gwinn.

S^r Henry Ashhurst & Constantine Phips Esq^{rs}." — *Mass. Archives*, vol. 106, p. 426.

* *Sic*: yacht.

† Manuscript mutilated.

‡ *Executive Records of the Council*, vol. 2, p. 551.

§ *Mass. Archives*, vol. 122, p. 147.

|| *Executive Records of the Council*, vol. 2, p. 542.

Chap. 16. This chapter is from council records, vol. VI., p. 594. It has not been found in the archives.

A discrepancy will be observed in this chapter between the sum total of the bills as stated and the actual amount of the addition, which is forty-seven shillings. This agrees with the entry of payment in the account of the province treasurer, which is £2 7s.*

Chap. 17. This chapter is from council records, vol. VI., p. 594. It is preserved in archives, vol. 70, p. 381.

The following proposal of Samuel Partridge, the representative from Hatfield, states the circumstances which led to the passage of the resolve that constitutes this chapter which originated in the House:—

“Whereas John Gillit who hath beene a verry active and Willing Souldr within the County of Hampshire & Being On the 16th day of Sept^r 1696 out upon Service & togeather wth some others was that day taken by the enemy & suffering hardship was carried to Cannadæ Captive & there Remayn^d till Sept^r Last & then was Sent from thence Prison^r into old France, & thence (by the late Articles of Peace) hee s^d Gillit together with other Captives was Released & carried into England; Since his Arrivall there hath Lived & obtained pay for his Passage by the Charitie of Some English March^{ts} there; & now being Arrived here destitute of Money or Cloaths for his p^{re}sent Reliefe Humbly propose it to y^e Honorable Gen^l Corte to allow him something w^t this Corte judge meete for his p^{re}sent Reliefe

SAMLL PARTRIGO.” — *Mass.*

Archives, vol. 70, p. 381.

According to the “Narrative” of the Rev. Stephen Williams, which has generally been accepted as correct in all particulars, Gillet and a companion were out in the woods tracking bees. Partridge’s representation, however, makes it appear that he was a soldier, on duty, at the time of his capture. Since Gillet was born in 1673 it is clear that the tradition that he was a lad of fourteen or sixteen is incorrect, and it is probable that Partridge’s account, given to the Legislature within twenty-one months after the event, is entirely trustworthy. See resolves, 1697, chapter 45, and note.

The order in Council† for the payment of this allowance was passed June 20, 1698, and the province treasurer in his next account‡ charged the amount as paid to Gillet.

Chap. 18. This chapter is from council records, vol. VI., p. 595. It has not been found in the archives.

Chap. 19. This chapter is from council records, vol. VI., p. 597. It has not been found in the archives.

The order in Council§ for the payment of this allowance was passed July 4, 1698, and the amount is charged in the province treasurer’s account|| as paid to Gallop.

Chap. 20. This chapter is from council records, vol. VI., p. 597. It has not been found in the archives.

Chap. 21. This chapter is from council records, vol. VI., p. 598. It is preserved in archives, vol. 70, p. 376.

The petition upon which this chapter was founded is as follows:—

“To the R^t Hon^{ble} William Stoughton Esq^r Liv^t Govern^r and Comand^r in cheife of his Maj^{ties} Province of the Massachusetts Bay in New England with y^e honrd Council and Representatives thereof now assembled in Gen^{rl} court for sd Province att Boston

The Petition of Nathanael Collins of Boston—

Humbly Sheweth

That y^{or} Petition^r for the Space of three Yeares Together hath Served his Maj^{tie} and this country in the present warr ag^t y^e Indian Enemy, and Last ffall being in said Service in the Easterne parts und^r the Command of Capⁿ Brackett he was by him Employed as a scout; and otherwise, and in the performance of his duty and office, by watching warding, and wadeing through rivers, he gott Such Surfeits, as that the Effects thereof first settled in his right side and afterwards fell into his groyne and there swelld & broke insoemuch as that he was forced to come und^r the hand of one M^{rs} Littlefield, who administred some externall applications to him & whilst he was und^r her hands, there came an ord^r from the L^t Gover^r to bring the sick and wounded men from Wells to Boston, amongst w^{ch} y^{or} petition^r was one, and being come to Boston one M^r Geerish a chyrurgeon appointed to look aftr y^e sick & Lame men, for some small time before he left him, applyed Some plaisters to his body w^{ch} slightly healed up y^e wound without being thoroughly searched, and y^{or} petition^r growing careless of himself by reason of some small Ease, neglected to apply himself to a skilfull Physitian, to make a thoro^w cure of said Wound, insomuch that the said wound & his paynes & swelling anew Increased againe upon him, w^{ch} have beene soe greivous to him that he was necessitated to goe to Doctor Cutler whose hands for a considerable time he has now beene und^r, and knows not when he shall be well having att this time a tent of five Inches long in his Body. Now Forasmuch as y^{or} Petition^r is a poore man & by this sad dissaster gott in the Countrys Service is wholely disencapacitated from doeing any worke, whereby to procure himself a subsistence Or to pay y^e Doctor for Looking aftr him, having neith^r house nor home to goe to, nor any Support other then the charity of good people to releive his present straights and exigencies

He doth therefore humbly Entreate the favor and Compassion of this high and honrd Court to take his misserable & distressed condition into Consideracōn soe as that he may

* Mass. Archives, vol. 122, p. 138.

† Executive Records of the Council, vol. 2, p. 542.

‡ Mass. Archives, vol. 122, p. 147.

§ Executive Records of the Council, vol. 2, p. 544.

|| Mass. Archives, vol. 122, p. 148.

receive a supply for his subsistence out of y^e Publick Treasury whilst und^r the Doctor's hands, and that some care may be also taken for paym^t of sd Doctor.

And Yo^r Petition^r as in duty bound shall pray &c

NATHANIELL COLLINS." — *Mass.*

Archives, vol. 70, p. 376.

This petition was read, first, in the House, on the seventh of June, and on the fourteenth a resolve was passed granting fifteen pounds to be paid as in this chapter, except the provision contained in the last fifteen words, which appear to have been added in the Council, before concurrence.

The order in Council* for the payment of this allowance was passed July 22, 1698, and the amount is charged in the province treasurer's account† as paid to Burrill.

Chap. 22. This chapter is from archives, vol. 62, p. 275. It is recorded in council records, vol. VI., p. 599.

The resolve which constitutes this chapter was passed in the Council and concurred in by the House on the twenty-third of June. That it was probably reported by the committee appointed on the twenty-seventh of May‡ appears by the following entry:—

"June 18, 1698. The Committee Appointed to Discourse Mr Bridgier one of the Purveyors for Naval Stores, upon a proposal or Memorial presented by him, made their report, which was read, at the Board being delivered in by Elisha Hutchinson Esq^r." — *Council Records, vol. VI, p. 595.*

From a later entry it appears that, to enable the purveyors better to perform their duties, they were, by an order in Council, allowed the use of the Province Galley. This order, passed in the vacation of the General Court, is as follows:—

"Aug. 12. 1698. Upon reading a Letter received this day from William Partridge Esq^r Mr John Bridges and Mr Benjamin Jackson Purveyors of Naval Stores for his Maj^{ty}'s service, directed unto his Honour and the Board, therein proposing to have the lent of the Province Gally with twenty eight Men, to transport and attend them into the Easterne parts of this Province to Survey the Woods there, they to victual and pay her.

Advised: That pursuant to the said Proposal the said Purveyors have the use of the Gally, they signifying under their hands to the Captain, what orders they have taken for his being supplied with provisions, and undertaking to pay him and Company their Wages, and also advising his Honour of the time and place when and where they desire to have her sent." — *Executive Records of the Council, vol. 2, p. 554.*

The letter referred to in the above order has not been found.

Chap. 23. This chapter is from archives, vol. 48, p. 295. It is recorded in council records, vol. VI., p. 600.

The order in Council§ for the payment of this allowance was passed July 22, 1698, and by the province treasurer's account|| it appears to have been duly paid. The resolve which constitutes this chapter was passed first in the House on the twentieth of June, and concurred in by the Council on the twenty-fifth.

Chap. 24. This chapter is from archives, vol. 58, p. 176. It is recorded in council records, vol. VI., p. 600.

The resolve which constitutes this chapter was first passed in the House, on the twentieth, and concurred in by the Council, on the twenty-fifth.

The order in Council¶ for the payment of this allowance was passed July 22, 1698, and by the province treasurer's account** it appears to have been duly paid.

Chap. 25. This chapter is from council records, vol. VI., p. 600. It has not been found in the archives.

Chap. 26. This chapter is from archives, vol. 48, p. 294. It is recorded in council records, vol. VI., p. 601.

The order in Council†† for the payment of this allowance was passed July 22, 1698, and by the province treasurer's account‡‡ it appears to have been duly paid. See chapter 62, *post*, and note.

Chap. 27. This chapter is from archives, vol. 48, p. 293. It is recorded in council records, vol. VI., p. 601.

The order was passed, first, in the House, on the twenty-third of June, and was concurred in by the Council on the twenty-fifth.

The order in Council§§ for the payment of this allowance was passed July 22, 1698, and by the province treasurer's account** it appears to have been duly paid.

Chap. 28. This chapter is from council records, vol. VI., p. 602. It has not been found in the archives.

* Executive Records of the Council, vol. 2, p. 551.

† Mass. Archives, vol. 122, p. 147.

‡ See chapter 2, *ante*.

§ Executive Records of the Council, vol. 2, p. 547.

|| Mass. Archives, vol. 122, p. 148.

¶ Executive Records of the Council, vol. 2, p. 548.

** Mass. Archives, vol. 122, p. 149.

†† Executive Records of the Council, vol. 2, p. 549.

‡‡ Mass. Archives, vol. 122, p. 136.

§§ Executive Records of the Council, vol. 2, p. 550.

The order in Council* for the payment of this allowance was passed July 22, 1698, and by the province treasurer's account† it appears to have been duly paid.

Chap. 29. This chapter is from council records, vol. VI., p. 602. It has not been found in the archives.

Walley was chosen commissioner of the impost and tonnage of shipping under the act of June 18, 1697,‡ by the whole General Court on the day that act was passed.§

This was the first instance of the appointment of a separate commissioner for the management of the impost office. In 1692 three commissioners, Elisha Hutchinson, Jonathan Corwin and John Walley, had been nominated and appointed by the Governor and Council to manage the excise, impost and tonnage of shipping. No new appointment was made the next year, chapter 5 of the acts of 1693 recognizing the commissioners already appointed. By chapter 1 of the acts of 1694-5, the power of appointment was transferred from the Governor and Council to the General Court, and John Walley was chosen, with the same functions as had been exercised by the Board of 1692, and to be paid one hundred and thirty pounds for his services. This state of things continued under the acts of 1694-5, chapter 27, and 1695-6, chapter 1, — the latter act reviving and continuing the two preceding acts, but containing a clause referring to "the commissioner appointed or to be appointed," etc. John Walley was again chosen by the Assembly and received a commission for the office from the Governor, as the act provided. The act of 1696, chapter 1, revived and continued the three preceding acts. Under this act James Taylor was first chosen commissioner, but declined the office, whereupon John Walley was once more elected and commissioned.

By the act of 1697 (chapter 3, § 16) one fit person and no more was to be appointed commissioner of the impost and tonnage of shipping, and three fit persons and no more to be appointed commissioners of the excise. John Walley was elected and commissioned to the former office, and he, Nathaniel Byfield and James Converse, to the latter. See resolves, 1697, chapter 35, and note.

The order in Council|| for the payment of this allowance was passed July 22, 1698, and by the province treasurer's account† it appears to have been duly paid.

Chap. 30. This chapter is from council records, vol. VI., p. 605, and archives, vol. 11, p. 131.

Chap. 31. This chapter is from council records, vol. VI., p. 606, and archives, vol. 106, p. 433.

In the foot-note to chapter 15, *ante*, it was surmised that the address, the sending of which was resolved upon in that chapter, had miscarried. Besides other circumstances pointing to this conclusion, the Secretary's precaution in taking the following receipt from Dr. Bullivant, who was about to sail for London, seems strongly corroborative, since sufficient time had elapsed between the date of the sending of that address and of the present representation to have justified the suspicion that the address had failed to reach the king, even if its loss had not been ascertained beyond a doubt: —

"On Board his Maty's ship Deptford at Nantaskett the 19th Day of November 1698.

Received of Isaac Addington Esq^r Secretary of his Maty's Province of the Massachusetts Bay in New England by the hands of Cap^t Timothy Clarke One small Pacquet directed On his Maty's service For the Hon^{ble} S^t Henry Ashhurst Kn^t & Baronet At his house In St Johns Street London which Pacquet I promise to deliver with my own hand as directed God sending me to arrive safely at London where I am now bound in his Maty's s^d ship the Deptford —

I say Received as above

¶ BENJA^s BULLIVANT." — *Mass.*

Archives, vol. 106, p. 439.

The letter from Villebon has not been found; but the following extract from the executive records of the council shows more clearly the demands of the French which were complained of in this chapter, and the first action taken thereupon by the Council: —

"Oct. 20, 1698. His Honour the Lieut^t Gov^r produced a letter directed unto himselfe from Mr Villebon Governour of L'Accadie or Nova Scotia, lately come to hand bearing date the 5th of Sept^r last, Importing that he should cause to be taken all English Vessells, that should be found either Fishing or in Trading on those Coasts, and that Mr Bonadventure Commander of the Kings Ship in those parts had Instructions from the King accordingly; also that himselfe had express order from the King his Master to maintain the Bonnds betwixt New England and that Country, which he pretended to extend from the head of Kennebeck River unto its Mouth leaving the course of the River free to both.

Which letter as also an Affidavit of the Masters of two Fishing Vessels imployed on the Coast of Cape Sables for fishing that had lately been seized and for some dayes detained by the said Cap^t Bonadventure, and a Petition from sundry Gent^l and principal Inhabitants of Salem and Marblehead relating unto the Fishery, being read at the Board.

Advised. That the said letter of Mr Villebon's and the relation of the Fishermen be transmitted unto the Rt^t Hon^{ble} the Lords Commissioners of the Council for Trade and Plantations, with a Representation of the fatal consequences and irreparable hurt and damage that will unavoidably ensue unto his Majty's Interests, should the French maintain their said Challenge and pretexts, and to pray their Lord^{sh}ps that effectual care may be taken to secure & establish his Majty's Interests and Trade in these parts. And:

That the Agents for this Province be also written unto on this subject, and have copy's of the said papers and of the memorials of Mr John Nelson, referring to the State of these

* Executive Records of the Council, vol. 2., p. 547.

† Mass. Archives, vol. 122, p. 149.

‡ Province Laws, 1697, chapter 3.

§ Council Records, vol. VI., p. 541.

|| Executive Records of the Council, vol. 2, p. 548.

Territories, lately by him laid before the Council for Trade &c^a sent unto them and be instructed to make a speedy Representation of this matter, and to solicit the same. Also:

That his Excellency the Earle of Bellomont be forthwith made acquainted with the French pretensions, and of the representations thereof made from this Board, and be prayed to enforce the same." — *Executive Records of the Council*, vol. 2, p. 559.

The Assembly stood prorogued from the twenty-seventh of June to the fifteenth of November, and the duty of taking measures immediately to thwart the encroachments of the French devolved upon the Council. On the twenty-fourth, therefore, a representation to the Lords of Trade, and a letter to the acting agents of the province in London, which had been prepared in conformity to this chapter, were ordered to be transcribed, signed by the Lieutenant-Governor, and forwarded. These documents have not been found, but the following is the record of the action of the Council in regard to them: —

"Oct. 24, 1698. A Representation unto the Rt Hon^{ble} the Lords Commiss^{rs} of the Council for Trade and Plantations, of the Challenge & pretext made by the French to the sole right of Fishing on the Coasts of Acadie or Nova Scotia, as also to extend the bounds of their Countrey unto the River of Kennebeck, setting forth the fatal consequences and irreparable hurt & damage which will unavoidably ensue unto his Maj^{ty}'s interests should any concessions be made unto the French therein; and praying that such effectual care may be taken as that the ancient Boundaries of this Province may be vigorously asserted and maintained, and the right of Fishing on the High seas continued to his Maj^{ty}'s subjects.

And also a letter to the Agents for this Province on the same subject.

Were read at the Board, and agreed to, that the same be fairly transcribed to be signed by his Honour the Lt Governour and sent forward." — *Ibid.*, p. 561.

Chap. 32. This chapter is from council records, vol. VI., p. 607, and archives, vol. 106, p. 439.

At New York, Bellomont found the duties of his station so pressing as to leave him no opportunity, even if his orders* from the Privy Council permitted, to visit the eastern parts of his government until more than a year after his arrival. In the mean time preparations for his reception and residence at Boston had been completed, and the Assembly and the people alike were growing impatient at his delay in personally assuming his office here. Assurances of this state of feeling had been repeatedly given to the Governor by personages connected with the government at Boston; but it was thought proper to represent to him the popular wish in a more formal and authoritative way, and hence this address, which was prepared in the House of Representatives, was sent up to the Council and concurred in on the twenty-second of November.

The only response which this address elicited from the Governor that has been discovered is the fragment of a letter to Mr. Secretary Addington, endorsed December 12, 1698, remaining in the archives, from which the following is an extract: —

"I am extremely thankfull to the Lieut Governor, Council and Assembly, for their desire of my Company wth them at Boston; but the same reason holds still that has oblig'd my stay here all this while. yet I hope I may be at liberty shortly to remove from hence, having notice from England that Orders are sent me; and for any thing I know they may be in the box you mention to be in the hands of Capt Lilly, and therefore am sorry a way was not found to send the box to me: I am the apter to believe this, because I sent for no Cloaths to Eng^{ld} Mr Partridge is here and tells me he is Confident the assembly have ended their Session at Boston, otherwise I would write a Letter of thanks to the Lt Govr Council, and them, for their kind Adresse: if they should happen to be sitting when this Letter Co[mest] to your hands, I desire you will do me the favour to make my Complements to them. . . ." — *Mass. Archives*, vol. 106, p. 438.

Chap. 33. This chapter is from archives, vol. 62, p. 293. It is recorded in council records, vol. VI., p. 608.

Nelson, who had derived from his uncle, Sir Thomas Temple,† a claim to the territory of Acadia, appears to have been a resident either of Canada, Acadia, or Massachusetts, from

* By the additional instructions issued to Bellomont, September 9, 1697, he was ordered to repair directly to New York and "to settle everything there in a fitting posture, either for the defence of the Country or for annoying the Enemy." This was coupled with the usual order forbidding him to leave his government without the warrant of the king. — *Documents Relating to the Colonial History of the State of New York*, vol. IV., p. 292.

† Manuscript mutilated.

‡ Of Temple, the learned editor of the "Documents Relating to the Colonial History of the State of New York" gives the following succinct account: —

"Sir Thomas Temple was a kinsman of Lord Say. Having obtained, with others, from Oliver Cromwell, in 1656, a grant of Acadia, bounded east by the River St. George, and including Nova Scotia, he purchased of Stephen la Tour all the right the latter inherited to that country from his father, and came to New England in 1657, when the persecution of the Quakers was at its height. He endeavored most humanely, though ineffectually, to save the lives of those of that sect who were condemned to be executed, offering to remove and provide for them at his own charge. He was recommissioned Governor of Nova Scotia and Acadia by King Charles II., in 1662, in which year he visited New Amsterdam (New-York) and Fort Orange (Albany), to suppress the incursions of the Mohawks into his territory. This, however, was soon after ceded to France by the Treaty of Breda, and possession thereof was demanded on the 21st October, 1668, of Sir Thomas Temple, who declined to comply with the requisition on the ground of the non-payment of the sum of £16,200, which the Crown agreed to allow him as an indemnity for the loss of his property. A special order from the King, in 1669, forced him to submit; and he signed an instrument at Boston, on the 9th of July, 1670, whereby the whole of the country, from the River Muscongus in Maine, to Cape Breton inclusive, was restored to France. Sir Thomas, thereupon, returned to England, and died in 1674, having devised his interest to his nephew, William [John] Nelson, who transferred it, in 1730, to Samuel Waldo, of Boston. The indemnity, however, has never been paid. *Charlevoix, Histoire (Nouvelle France)* I., 416; *Hutchinson's History of Massachusetts*, I., 184, 190, 236; *Holmes' Annals*, I., 363; *Haliburton's History of Nova Scotia*, I., 64, 65; *Williamson's Maine*, I., 428. — ED." — Vol. IX., p. 75, note.

the year 1670, evidently waiting for an opportunity to make good his title by possession, which the first success of New England, in its contests with the government of New France, would present. At Boston, where he resided many years, he held a high social position and was, at times, a political leader. He was a warm adherent of the Prince of Orange and took an active part in the proceedings against Andros at the time of his deposition. He was not an admirer of Phips, and in turn was opposed by the latter and his followers; yet, after Phips had taken Port Royal, Nelson was sent to induct into office Edward Tyng whom Phips had appointed governor of Acadia. On the return of these gentlemen from Port Royal, because of the impracticability of governing the inhabitants or restraining the Indians, there, with the small force detailed to accompany them, the vessel which conveyed them, and which was commanded by Captain John Alden, was taken by M. de Bonaventure. Alden was released, conditionally, while Nelson and Tyng, and Alden's son (who was held as a hostage for the vessel in which his father with the crew was permitted to continue on his voyage to Boston) were held prisoners. For awhile they remained with Villebon, and were then transferred to Quebec, whence, after several months, Frontenac sent them to France, where Tyng died in prison and Nelson remained incarcerated for three or four* years, first, at Angoulême and afterwards in the Bastille.

During his captivity in Canada he had found means to send important information to the government at Boston, as to the condition and plans of the enemy, for which the persons subsidized by him, having fallen into the hands of the French, were executed, in his presence, and he himself was transported, as too dangerous an intriguer to be suffered to remain so near New England.

Long before the first protocol of the congress of Ryswick was signed, Nelson was liberated (probably through the intercession of influential personages in England), and proceeded to London, where he improved the opportunity of his freedom to impart to the Duke of Shrewsbury, and to the Lords Commissioners for Trade and Plantations, etc., valuable information and advice respecting the relations of England and France in regard to their dominions in America, and to recommend judicious measures for securing the permanent growth of the English colonies. The special services for which he received the thanks conveyed in this chapter were rendered at this time. One of his memorials to the Lords of Trade, which was probably his final communication to that board, is printed, in full, in "Documents Relating to the Colonial History of the State of New York," vol. IV., p. 206, *et seq.*

It is said that he was released upon his parole, which he kept, notwithstanding a *ne exeat regno* from King William, and that for this breach of law he suffered upon his return to England.

He seems to have been a person of large mind, of great courage and enterprise, and so impartially humane as to have won the respect and even affection of the enemies who feared him for his other qualities.

Chap. 36. This chapter is from archives, vol. 11, p. 132. It is recorded in council records, vol. VI., p. 610. See resolves, 1697, chapter 49, and note.

The order in Council for the payment of the allowance for this year was passed January 24, 1699-1700,† and for the year following, December 12, 1700.‡

The treasurer's accounts for this period are defective, and hence no record of the payment of this allowance has been found.

Chap. 37. This chapter is from council records, vol. VI., p. 609. It is preserved in archives, vol. 11, p. 132.

The following is the petition upon which this chapter was founded: —

"The Petition of the Inhabitants of Brookfield, to the Hon'd General Court Assembled at Boston Novembr 1698 humbly Sheweth:

First./ That we seeme to be called of God, to continue our habitation in this place; we are low in the world & it would be a breaking thing to or estates to remove to any other plantation: And the Land here is very capable of entertaining a considerable body of people: Thô: Inhabitants have been slow to come to us by reason of ye war, yet the land is very Incourageing, capable to afford a comfortable subsistence to many familys.

2. That it is an Intollerable burden, to continue as we have done without the preaching of the word: God doth require his people to attend not onely ffamily. worship but his publick worship: it is the ordinance of God that on the Sabbath day there should be an holy convocation; & that his word be preached by those that are able & faithful, and our necessitys put us upon it earnestly to desire it: both we and our children need the Instructions, rebukes and encouragements of the word: the darkness & deadness of our own hearts, together with the many Snares that are in the world, are an experimental conviction to us, that we need al those helps and Advantages that God hath sanctifyd for our Good.

3 That we are not able at present to maintain the worship of God: we are but twelve familys: And are not of estate, sufficient to give sutable encouragement to a minister: we are willing to do to the outside of our ability: but thô: we do as much as can be expected from us, it wil not amount to such a summ as a minister may reasonably require for his labour.

4 That if this Hon'd Court would please to pity us, And grant us scme help for a few years, for the maintenance of a Godly able minister, besides the advantage that it may be to these few familys that are here, it would be a means to draw many other Inhabitants

* He himself declares that he was in prison four years and a half. As he was captured in October, 1691, and sent to France in September, 1692, and was in London, before the Lords of Trade, in September, 1696, when he made this declaration, it is to be presumed that this term of imprisonment covered some of the time of his residence in Canada. — See Proc. Mass. Hist. Soc., 1863-4, pp. 370-372; and Hutchinson's Hist. Mass., ed. 1765, vol. 1, pp. 376-380.

† Executive Records of the Council, vol. 3, p. 89.

‡ *Ibid.*, p. 169.

to us, whereby we shal be so far assisted, that we may of our selves be able to uphold the worship of God & not be burdensome to others.

Under these considerations we humbly beg that this Hon'd Court would exercise compassion to us, & assigne some reliefe to us out of the Publick treasury, which we shal look upon, not onely a testimony of your Zeal for the worship of God, but alsoe of your tender compassion to the souls of those whom God hath made you ffathers of: And your Petition's shal pray &c

SAMLL OWEN
his O mark
THOMAS BARNES
HENRY GILBERT
STEPHEN GENINGS

JNO WOOLCOT
JAMES PETTEE
SAMLL DAVICE
WM BARNES
THOMAS PARSONS

THOMAS RICH
ABIJAM BARTLIT
DANL PRICE
JNO CLARY
JOS MARKS
JOHN PETTEE." — *Mass.*

Archives, vol. 11, p. 132.

This petition was read in the House on the twenty-third of November, and the resolve which constitutes this chapter was passed thereon and sent up to the Council, where it was concurred in on the next day.

A committee consisting of John Pynchon and Luke Hitchcock of Springfield, Joseph Hawley and Medad Pomeroy of Northampton, and Samuel Partridge of Hatfield had been appointed "to regulate the settlement of Brookfield,"* and on the tenth of June, 1700, an order was passed in the Council† for a warrant upon the province treasurer to pay the amount of this allowance, to John Pynchon and Samuel Partridge, of that committee, said sum "to be by them employed & disposed for the use for which the same is granted."

Chap. 38. This chapter is from archives, vol. 48, p. 296. It is recorded in council records, vol. VI., p. 610.

The petition upon which this allowance was granted is as follows: —

"May 27th 1697 To the Honorable house of Representatives now sitting

These are to Represent to your honrs the Neglect of off^r Granting so much as an answer to a Petition of your former Clerk as also the Ordering him the Paym^t of such moneys Due for his service as s^d house should Judge meet; as to my selfe I own I am not a proper Judge, tho it is hard for a poor man to serve his Cuntry with the Expence of four year service and very near a hundred pounds Expence and Never can obtain an order for twenty Pound tho fair Promises were made — my Necessity by Reason of Late sicknesse & othr disappointm^{ts} makes me to Remind your honrs that In the year 1695 the house granted a comitte of M^r Thornton & some othr's & they thought twenty &c Pounds was my Due tho I tho^t thirty but some Issue is desired & Expected & hope your honrs will acct that the Labourer is worthy of wages & not to suffr me from year to year to spend time & money as these severall years more then I can get tho Justly due

So praying God to Direct your Honrs in all your Arduous affairs I subscribe your Honours humble & and^t form^r servant

EBENEZER PROUT." — *Mass.*

Archives, vol. 48, p. 296.

In the general index to the archives, this petition is dated 1698, but the original is precisely as here printed.

By resolves, 1694-5, chapters 42 and 58, Prout had been allowed ten pounds, and nine pounds fourteen shillings, respectively. These amount nearly to the twenty pounds which in his petition he says a former committee found due him; but probably he is to be understood to mean that twenty pounds were still found due him by the committee after those allowances had been paid, and that he claimed thirty pounds in addition to former grants.

The order in Council‡ for the payment of this allowance of six pounds was passed December 22, 1698. See resolves, 1699-1700, chapter 23, and note.

Chap. 40. This chapter is from council records, vol. VI., p. 613. It is preserved in archives, vol. 70, p. 386.

The following is the petition upon which the allowance was granted: —

"To The Honors Leiv^t Governor And Counsell & Representatives Now Sitting In Boston &c

Tis Humbly Proposed by us whose Names are underwritten In the Name of others with us: as are Here Inclosed: whether upon The killing of the Indian after the Last mischief done by The enemy at Hatfield, we ought not according to the Law to be allowed fifty pounds: we did suppose the Law continued untill peace was made with the Eastern Indians: wee have often ventered or Lives and had nothing upon sudden exegencies we hope your honor will consider us and Alow: The fifty pounds or at Least some othei Good Incouridgment: which will further oblige us To venture or lives and estates for the Good of or country

BENJ WRIGHT: } by the desire
JONATH TAYLOR } of the Rest
BENJ STEBBINS: } w^t us." — *Mass.*

Archives, vol. 70, p. 386.

The act|| of October 20, 1697, granting to volunteers fifty pounds for the scalp of every adult Indian enemy slain by them, expired upon the publication here of the treaty of Ryswick, which was more than seven months before the attack on Hatfield called forth Wright and his companions in pursuit of the savages.

* Resolves, 1692-3, chapter 2.

† Executive Records of the Council, vol. 3, p. 125.

‡ *Sic.*

§ Executive Records of the Council, vol. 2, p. 674.

|| Province Laws, 1697, chapter 12.

The order in Council* for the payment of this allowance was passed December 9, 1698, and the province treasurer's account† shows that payment was made according to the order.

The following is Mather's characteristic account of this affair:—

"And now about the middle of July, 1698. a little before sun-set, four Indians killed a man and a boy in *Hatfield* meadows, and carried away two boys into captivity. The advice coming to *Deerfield* in the night, they presently dispatched away twelve men to way-lay the enemy coming up the river; having first look'd up unto the Lord Jesus Christ, that they might find the enemy, and harm none but the enemy, and rescue the children which the enemy had seized upon. After a travel of near twenty miles, they perceived the Indians in their canoos coming up the river, but on the other side of it, within a rod or two of the opposite shore: Whereupon they so *shot* as to *hit* one of the Indians, and then they all jumpt out of the canoos, and one of the boys with them. The wounded Salvage crawled unto the shoar; where his back being broken, he lay in great anguish, often endeavouring with his hatchet for to knock out his own brains, and tear open his own breast, but could not: And another Indian seeing the two boys getting one to another, design'd 'em a shot, but his gun would not go off: Whereupon he followed 'em with his hatchet for to have knock'd 'em on the head; but just as he came at 'em, one of our men sent a *shot* into him that spoil'd his enterprize; and so the boys getting together into one canoo, brought it over to the friends thus concerned for them"—*Magnalia*, vol. II., book VII., art. XXVII., pp. 554, 555.

Chap. 41. This chapter is from council records, vol. VI., p. 613. It is preserved in archives, vol. 62, p. 258.

The following petition presented at the first session of the General Court, this year, explains the passing of this chapter:—

"To the Right hon^{ble} William Stoughton Esqr Lt Governor & Comand^r in cheife of his Maj^{ties} Province of the Massachusetts Bay in New England with the Honoured Council & representatives thereof now convened in Gen^l Court Sitting att Boston

The Petition of Henry Cookery of Charlestowne

Humbly Sheweth

That in the month of June 1695 Yo^r Petition^r being mast^r of a Brigantine Loaden, and bound from Charlestowne to NewfoundLand just as he was ready to prosecute y^e sd voyage There came to him a warrant from the L^t Governor to goe on board the Newport Galley Capⁿ Paxton then comand^r in y^e Quality of a pilott, in obedience whereunto he accordingly went, and Left his former Imploy, as also left his peticular adventure on board s^d Briggantine, w^{ch} afterwards he wholely lost. And after some continuance on board said Galley he was discharged from her—Immediately upon which god was pleased to visit him with a malignant feavour, by w^{ch} it afterwards hapned that he Lost y^e use of his Limbs, and for more yⁿ Two yeares continued in a very Laine and helpless condition, and now hath not (nor does he know whether ever he shall have) the use of his armes & hands, they being in such a condition as hinders him from doeing any manner of manuell Labour whereby to procure a Livelyhood for himself and family, neither has he for the two yeares past gott any thing for their releife.

Now forasmuch as yo^r Petition^r is a poore man, and in Obedience to authority Left his Imploy and Lost his private adventure w^{ch} was considerable to him, and hath Since of a Long continuance been in an afflicted condition, and reduced to many straits, And whereas yo^r petition^r doth now keepe an house of publick Entertainem^t in Charlestowne.

He doth therefore humbly Entreate y^e favor of this high and hon^{ble} court to take the p^rmisses into consideracōn. Soe as that for the future he may be permitted to keepe an house of publick Entertainem^t without paying any Excise for the Same,

And Yo^r Petition^r as in duty bound shall ever pray &c

June 8th 1698

Archives, vol. 62, p. 258.

HENRY COOKRY."—*Mass.*

This petition was read, first, in the House, on the twenty-first of June. No further action seems to have been taken upon it that session, but on the twenty-eighth of November it was read again in the House, and a vote passed "that the petitioner be abated the excise prayed for for the year ensuing." This vote, which was concurred in by the Council on the twenty-ninth, was recast into the form in which it appears in this chapter, by the Secretary, when he made up his records.

Chap. 43. This chapter is from council records, vol. VI., p. 613. It is preserved in archives, vol. 101, p. 119.

The following petition fully explains the passage of the order which constitutes this chapter:—

"To the Honourable william Stoughton: Esqr leift^{nt} Gouern^r of the prouinc of the massatusets bay. & the Honoured Conneill and Representetiues. Conveined at Boston, the Humble: patition of John eddy. John pease. and Samuell merry. Sheweth —

That wheras. your patitioners, Receined a warrant from the Tressurer, bareing date the: first day of nouember 1697 whereby. we ho ware then select men for Tisbury ware Required, to assess the s^d town, as by act of the great and genarall Court or essembly, the sume of 12th and the warrant Coming to our hands soe late in the year, that notwithstanding our Care: and deligene, to efect that which ware Required of us as, our duty their in, we ware obstructed and hindred by the extremity of the winter It being so exeding hard that for sume munths. there ware scars opertunty to cross ouer the ferry, with out great haserd, by reson of the Ice and by that means. could not make our return to the tresurer, untell the spring, and yet ware restles untell at lenth the same ware efected and as we

* Executive Records of the Council, vol. 2, p. 568.

† Mass. Archives, vol. 122, p. 138.

thought, by a sure hand, theirfore did not in the least mistrust, but that It had bin safely deliuered, untell after the prorogation. of the last great and genarall Court. or essembly, after which time, the marshall of our county demanded of us the money: which we ware forsed to pay out of our one estats, for that the Town refused to pay the s^d rate —

we Therefore Humbly pray. that for as much. as that we had no desine to refuse, or neglect, our duty therein. but allwayes Intended, and according to the best of our capasities endeouored the faithfull. discharge. of our duty theirin: that: your Honours may be pleased. to pass sume act. whereby we may Be Inabled to Recouer. our moneys of the town —

dated in Tisbury nnumber 9th day 1698

JOHN EDDY.
JOHN PEASE
SAMUELL MERRY.” — *Mass.*

Archives, vol. 101, p. 120.

The tax act referred to is the act* of October 29, 1697.

The above petition was read in the House on the nineteenth of November when the order was passed and sent up to the Council, where it was concurred in on the twenty-ninth.

Chap. 45. This chapter is from council records, vol. VI., p. 615. It is preserved in archives, vol. 119, p. 141.

Hutchinson and Walley were chosen “commissioners or collectors, to have the general inspection, care and management of the . . office of excise, and whatsoever relates thereunto,” under the act† of June 27, 1698. By the sixteenth section of the same act, they were authorized at their discretion to farm out the excise, which they accordingly did as shown by the following petition:—

“Whereas wee, ye subscribers were appointed by ye great & general Court & Coñmissionated by ye Honour^{bl} ye L^t Goverⁿ for Coñmissioners for ye Excise with power to Agree for or to Lett or fferm out ye same or any part or parcel thereof or to Collect ye same as wee should iudge most advantageous for ye province, wee Haveing discoursed sundry persons about makeing there perticuler agreements, but found it best as wee indged ffor to ffarm out ye same which wee have done as follow

| | | | |
|---|----------|----------|----------|
| To major pen Townsend y ^e County of Suffolk y ^e Three Countys in plymouth | <i>u</i> | <i>s</i> | <i>d</i> |
| the County of Hampshire province of mayne & martins vineyard for | 625 | 00 | 0 |
| To Mr Ben : Gerish ye County of Essex | 160 | 00 | 00 |
| To Jacob Amesden & : parker ye County of middlesex for | 110 | 00 | 0 |
| | 895 | 00 | 00 |
| An Acct ^t of what expended by vs | | | |
| A Coñmission to ye Secretary p ^d | 0 | 10 | 0 |
| Spent at Several times treating with persons in Boston | 0 | 08 | 10 |
| Hyre of Horses & Spent goeing & coming & at Salem | 2 | 04 | 0 |
| for Three deputations & Bonds | 0 | 18 | 00 |
| | 4 | 00 | 10 |

ffor our Care & Trouble what y^e Honour^d Court pleaseth —

ELISHA HUTCHINSON
JOHN WALLEY.” — *Mass.*

Archives, vol. 119, p. 141.

The foregoing petition was read in the House on the twenty-ninth of November, when an order was passed thereon for the payment of the allowance granted by this chapter, and this order was concurred in by the Council, on the next day.

The order in Council‡ for the payment of this allowance was passed December 9, 1698, and the province treasurer’s account§ contains an entry showing that the payment was made accordingly.

Chap. 46. This chapter is from archives, vol. 30, p. 438. It is recorded in council records, vol. VI., p. 615.

It was discovered soon after the publication of the Peace of Ryswick that a treaty between European princes however exalted and powerful was not sufficient to restrain American savages, who, even if they had some notion of international compacts, were not willing to acknowledge, as binding, promises in which they had had no voice. Before the snows of winter had melted, the Eastern Indians were again on the war-path, pushing their way, with unusual boldness, as far as Andover and Haverhill, in Essex County, burning buildings, murdering, pillaging, and taking captives. In May, followed the murder and capture at Sprnce Creek.

On the western frontier, during the following summer, the affair at Hatfield caused apprehension of a renewal of the atrocities of previous years. It was the judgment of those who best understood the Indian character not only that New York should be spurred to greater vigilance in protecting the western borders of this province, but that the eastern tribes should be dealt with as an independent nation or nations, bound, by former treaties, to acknowledge the sovereignty of the king of England, but owing him no natural allegiance, and not to be held accountable to him as rebels, nor regarded merely as wards of the French. It was urged that upon this basis every practicable effort should be made first to effect a complete exchange of prisoners and an immediate cessation of hostilities, and finally to bring about a lasting treaty of peace.

* Province Laws, 1697, chapter 23.
† *Ibid.*, 1698, chapter 16, § 12.
‡ Executive Records of the Council, vol. 2, p. 567.
§ Mass. Archives, vol. 122, p. 150.

On the twenty-second of September, during the long vacation of the General Court, the Council voted the following advice to the Lieutenant-Governor:—

“Advised. That a suitable Person or Persons be forthwith appointed and Instructed to go into the Eastern parts of this Province, to endeavour Speech with some of the Sachems or principal Indians, and to make demand of all English prisoners remaining in the hands of the Indians.

That Major James Converse and Captⁿ John Alden be appointed and Instructed for this Negotiation.

That a suitable Vessel be taken up for his Maj^{ty}'s service, to transport the said Major Converse and Captⁿ Alden, and those that shall accompany them in their said voyage; and,

That Provisions and other necessities be provided and laid in for them by John Walley Esqr^e.—*Executive Records of the Council*, vol. 2, p. 558.

By the twenty-sixth, instructions relative to the exchange of prisoners had been prepared, and on that day were read and agreed to. According to Mather,* the commissioners appointed in accordance with this advice arrived at Penobscot on the fourteenth of October, where they met some of the surviving sachems and “a great body of Indians,” and had a friendly discourse on the subject of their mission, which, Hutchinson† says, was “to settle preliminaries; one of which was to be the release of all prisoners.” He adds, however, “but no more could be obtained, on this head, than a promise to return all such as desired it; the Indians refused to compel any who inclined to remain with them.”

On the sixteenth of March, following, an order was passed by the Council,‡ requiring the province treasurer to pay to Converse and Alden ten pounds, each, for their services on this occasion.

Upon the convening of the Assembly in its second session, on the fifteenth of November, another expedition, with larger powers, was proposed.

From an entry in the council records it appears that “a bill” for the exchange of prisoners with the Eastern Indians was sent up to the Council, from the House, on the twenty-third of November, and that it was debated at the Board on the twenty-fifth. Precisely what this bill was has not been ascertained; but it was probably similar to, if not identical with, the proposal which constitutes this chapter.

The following petition, without date, seems to have furnished an occasion for this action of the Assembly:—

“Petticion Capt Bombasine To his Excelance Governor Stoten

It Is humbely to Aquainte yor Exellance yt I hane been thes four years now in Prisone w^t out any hearing, and now since yr is a püblick peace Amongst all nations I doe not desire any thing as to my self Contrare to ye law of ye land, but as to yt wch Consists w^t nature for ye liberty wch all men desires is desireable

May it yrfor pleas yor Excelance yt I may haue ye liberty to be Called befor you w^t and interpetare and I will give you y^t satisfactiōne y^t is dew from a subject to his Maties and Government wch is Earnestly desired by yor poor Petticoner who shall ever pray &c.”—*Mass. Archives*, vol. 30, p. 437.

This petition appears to have been prepared soon after the publication of the Peace of Ryswick.

Bomazeen, who was one of the most intractable, implacable, and ferocious of the Indian sagamores, had been seized by Captain March, at Pemaquid, November 19, 1694, and confined in Boston jail ever since. His captivity was a chronic grievance to the Eastern Indians, who regarded him, as the government of New France regarded Baptiste, as the prisoner whose release was most to be desired, and, indeed, an indispensable prerequisite to a perfect treaty of peace; and the refusal to include him in former exchanges between the English and the Indians had been made by the latter a pretext for renewing their barbarities in the frontier settlements.

When Bomazeen's petition came up for consideration in the Assembly, in November, 1698, it was opposed on the ground of the impolicy of giving such a monster further opportunity for mischief.§ But the feeling prevailed that all such scruples should be disregarded, and that the wisest policy required that, in the exchange of prisoners, no exception should be made.||

* Magnalia, vol. II., book VII., art. XXVIII., pp. 555-557.

† Hist. of Mass., ed. 1767, vol. 2, p. 109.

‡ Executive Records of the Council, vol. 3, p. 9.

§ The following deposition, which had evidently been prepared for use at the first session, was now produced and read in the House:—

“The Deposition of Damsou Drew lately dwelling att Oyster River in Piscataqua.

This Deponent maketh Oath that on or about the last day of August in the year 1694 she this Deponent being in Bed with her Husband they heard a great Tumult & Noise of firing of Guns which awakened her out of her sleep. and she understanding that the Indians were in Arms & had encompassed the House willing to make her Escape she endeavoured & att last got out att the Window and fled, but the Indians firing fast after her she returned to the House and her ffather in law took her by the hand and haled her into the House again, where upon she endeavoured to get out att another Window, but the Indians had besett that, so she returned to the other Room where her friends were, and the Window of that Room being open an Indian named Bombazine (as she was then informed, & has since seen and known him in the prison att Boston) caught hold of her Arm & pulled her out att the Window & threw her violently upon the Ground she being then with Child, & when he had so done he went into the House to plunder when another Indian named Assurowlaway who could speak good English came to her & told her she should receive no hurt & took her and carryd her into the Woods. And further this Depon^t Saith not.

Boston. May. 23^d 1698.

the mark of

DAMSON X DREW

The Depon^t. Drew was Examined & sworn to what is abovewritten Bombazeen the Indian being present and caused to understand it. Cor. IS^t ADDINGTON.”—*Mass. Archives*, vol. 8, p. 41.

|| In the jail-keeper's account the last date of Bomazeen's imprisonment is November 18, 1698.

This conclusion, evidently, was not reached without great deliberation, since it appears by the following entry in the executive records of the council that the instructions to the commissioners were not perfected until three days after the dissolution of the General Court:—

“Dec. 13, 1698. Instructions to be observed by Col^d John Phillips and Major James Converse, in their Management of the affair with the Easterne Indians for the recovery of the Captives and bringing the Indians to a new submission and recognition of their obedience to the Crown of England &c^a (agreeable to proposals of the Assembly at their late session) were advised, drawn up, read and consented unto.”—*Vol. 2, p. 569.*

Besides effecting the exchange of all such prisoners as could be conveniently brought to the place of meeting at that inclement season of the year, the commissioners succeeded in inducing the Indians to join in a renewal of the treaty of 1693, with stronger professions than ever of fidelity to the crown of England.

Mather gives a long account of the proceedings of this mission, from which Hutchinson compiled the following summary:—

“In the winter, John Phillips, Esq; of the council, with Major Converse, and Cyprian Southack, commander of the province galley, went with full powers to conclude a treaty. The Indians are not very nice in acknowledging their perfidy in such terms as the English prepare for them, and make such submissions and promises of future fidelity as are desired. The treaty was in the same terms with that in 1693. Several captives were restored, and others were promised in the spring; but many remained, males and females, who mingled with Indians and contributed to a succession of savages to exercise cruelties upon the English frontiers, in future wars, and perhaps upon some of their own relations.”—*Hist. of Mass., ed. 1767, vol. 2, p. 109.*

In the petition of Converse and Phillips, given in the note to resolves, 1699-1700, chapter 11, it is stated that the commissioners sailed on the eighth of December, which seems to conflict with the date of the record of the vote in Council approving of their instructions. There is, however, no reason to doubt that, during that month, they sailed for Penobscot, in the Province Galley commanded by Captain Cyprian Southack, and that they had returned by the ninth of February, after an absence of “two months and a day or two,” bringing with them many, if not most, of the captives then in the hands of the Indians. By order of the Lieutenant-Governor and Council they made another voyage, the next April, on the same business, and returned with all the remaining captives which it was in the power of the Indians to surrender.

The following is the renewal of submission to the crown of England, which was signed by the Indians on the seventh of January:—

“Province of the
Massachusetts Bay
in New England

The renewed Submission of the Eastern Indians. and
Recognition of their Obedience to the Crown of England.

Whereas divers Sagamores and chief Captains of all y^e Indians belonging unto the several Rivers of Penobscot, Kennebeck Amaras Coggin and Saco parts of the s^d Pro[vince*] of the Massachusetts Bay within the sovereignty [and domin*]ion of his most Excellent Ma:^y William the Third by t[he gr*]ace of God of England, Scotland, France and Ireland King Defe[nder*] of y^e Faith &c being assembled together at Fort William Henry at Pemaquid the Eleventh day of August In the fifth year of the Reign of his S^d Mat^y and the late Queen Mary, Did, then and there by their Submission and Agreements under their hands and Seals, for themselves and each of them respectively, and in the name and with y^e free consent of all the Indians belonging to the several Rivers afore s^d and of all other Indians within the S^d Province of the Massachusetts-Bay of and from Merrimaek River unto the most Easterly bounds of s^d Province, lay down their armes, cast themselves upon his said Mat^ys Grace and Favour, and acknowledged their hearty subjection and obedience to the Crowne of England And did also solemnly covenant promise and agree to and with his Ex^{c^y} S^r William Phips Kn^t then Captain General and Governour in chief in and over the afores^d Province or Territory on his said Mat^ys behalfe in manner following. That is to say.

1. That at all time and times for ever from and after the date of the s^d Submission, they would cease and forbear all acts of hostility towards the Subjects of the Crown of England, and not offer the least hurt or violence to them or any of them in their persons or Estate, but would thence forward hold and maintain [peace?*] & constant amity and Friendship with all the English

2. That they would abandon and forsake the French Interest, & would not in any wise adhere to, aid or assist them in their Wars or designes against the English, nor countenance, Succour or conceale any of the Enemy Indians of Canada, or other places that should happen to come to any of their Plantations within the English Territory, but secure them if in their power, and deliver them up to the English

3. That all the English Captives in the hands or power of any Of the s^d Indians within the Limits afores^d should with all possible speed be set at liberty and return'd home without any Ransom or paym^t to be made or given for them or any of them

4. That his Mat^ys Subjects the English should and might peaceably and quietly enter upon, improve and for ever enjoy all and Singular their Right^s of Land and former settlements and possessions within the Easterne parts of the s^d Province of the Massachusetts Bay [with*]out any pretensions or claims by them or any other Indians, and [be in?]* no wayes molested, interrupted or disturbed therein

5. That all Trade and Commerce which thereafter might be [settl?*]ed betwixt the English and the Indians should be under such management and Regulations as should be stated by an Act of the General Assembly, or as the Governour of the afores^d Province for the time being with the advice and consent of the Council should see cause to direct and limit

6. That if any controversie or difference at any time thereafter happend to arise betwixt any of the English and Indians for any real or supposed wrong or injury done on one Side

* Manuscript mutilated.

or other, no private revenge should be taken by the Indians for the same, but proper Applications be made to his Ma^{ty}s Government upon the place for remedy thereof in a due course of Justice, the S^d Indians thereby s[ubmitting*] themselves to be ruled and governed by his Ma^{ty}s Laws, & desiring to have the benefit of the Same

And whereas Notwithstanding the afores^d Submission & Agreements, the s^d Indians belonging to the Rivers afores^d or some of them, through the ill counsel and instigation of the French, have perpetrated sundry hostilities against his Ma^{ty}s Subjects, the English and have not delivered and returned home several English Captives in their hands, as in the s^d Submission they covenanted —

Wherefore Wee whose names are hereunto Subscribed Sagamores, Captains and Principal men of the Indians belonging unto y^e Rivers of Kennebeck, Amaras Coggin and Saco. and parts adjacent being sensible of our great offence and Folly in not complying with the afores^d Submission and Agreements, and also of the Sufferings & mischiefs that We have thereby exposed our selves unto. Do in all humble and most submissive manner cast our selves upon his Ma^{ty}s mercy, for the pardon of all our past Rebellions, hostilities and violation of our promises, praying to be received unto his Ma^{ty}s Grace and Protection. And for and on behalfe of our Selves and of all other the Indians belonging to the Several Rivers & places afores^d within the Sovereignty of his Ma^{ty} of great Brittain do again acknowledge and profess our hearty and sincere obedience unto the Crown of England. And do Solemnly renew, ratify & confirme all and every of the Articles and Agreements contained in the aforesaid Submission in testimony whereof Wee the s^d Sagamores, Captains and principal men have hereunto set our several markes and Seales at Casco-bay near mares point, the seventh day of January In the tenth year of the Reign of his s^d [Ma*]^{ty} King William the Third, *Annog; Domini 1698/9.*

[n*]ames read over to the I[n]dians* that have subscribed the same, and the several Articles and paragraphs thereof plainly and distinctly interpreted unto them who said they well and thoroughly understood and agreed to the same And then was Signed and sealed by them in the presence of us.

JAM^s CONVERSE,
CYPRIAN SOUTHACK†

Moers

his O Mark



Turramugwos

his (i) Moers
his marke



Wanoolon

his C Mark



Wafombamib

his O Mark



[Several lines, and the corresponding signatures, are here torn out of the original.]

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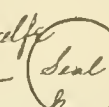


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* Manuscript mutilated.

† Mather adds, here, the names of "John Gills, Interpreter," and "Scodook, alias Sampson." — *Magnalia*, book VII., article XXVIII., p. 667.

The date of the presentation of this treaty at the Council board is shown by the following entry:—

“Feb. 9, 1698. John Phillips Esq^{re} one of the Commissioners employed on the Negotiation about the Eastern Indians, presented a Journal of that affair, together with the renewed submission and subjection, made and signed by those Indians.” — *Executive Records of the Council*, vol. 3, p. 2.

The following ratification of the foregoing treaty was prepared to be signed by the Pennecook Indians, subsequently, at Boston:—

“Wee Watanumman, George Tohanto & Mahamisco, Sagamores and principal men of the Indians of and belonging to y^e Plantation of Pennecook and parts thereof within the Province of the Massachusetts Bay in New England, in the sovereignty & Dominion of his most Excellent Maty William the Third, of England, Scotland, France & Ireland King, Defender of the Faith &c. being come to Boston to wait upon his Ex^{ty} Richard Earl of Bellomont his Mat^{ys} Captain General & Governour in chief in & over the s^d Province of y^e Massachusetts Bay &c, to make our submission & recognize our obedience to y^e Crown of England. Wee do hereby for our selves and [in*] the name and with consent of all the Indians belonging to y^e s^d Pl[antation*] of Penne[cook and*] parts thereof, cast our selves upon [his Mat^{ys} mercy for the?]* pardon of all our past Rebellions and hosti[lities an*]d do heartily acknowledge and recognize our submission, subjection and obedience to the Crown of England, and that the s^d King William the Third is our true & rightful prince. And We do also solemnly covenant & promise to & with the s^d Richard Earle of Bellomont & his successors in the place of Governour of the s^d Province of the Massachusetts Bay on his Mat^{ys} behalfe That Wee and all the Indians afores^d shall and will observe & keep and hereby Do approve of, ratify, confirm and engage to hold inviolable forever all and every of the Articles, Covenants & Agreements contained in the before written submission made & signed by y^e Indians in the Eastern parts of y^e Province afores^d. And that We or any of us will never do or attempt any thing whatsoever contrary to y^e s^d articles Covenants & Agreem^{ts} or any of them In Testimony whereof Wee have hereunto set our markes & seals at Boston the Twenty seventh

[Several lines, and the corresponding signatures, are here torn out of the original.]

JAMES SPEEN.” — *Mass.*

Archives, vol. 30, p. 412.

The following order in Council explains, in part, the object of the second voyage above mentioned:—

“March 3, 1698. Whereas Colo John Phillips and Major James Converse Commissioners lately employed by the Government in the affair relating unto the Eastern Indians, have promised s^d Indians, that a supply of Corne, Cloathing, Armes and Ammunition for Trade with them be sent unto Merry Meeting, a place so called, in Kennebeck River, early this spring.

Advised and Resolved. That John Walley Esq^{re} be desired to take effectual care to procure the said supply and to forward the same. And that the proceeds of the goods sent at their return be delivered into his hands to be sold to the best advantage, the first cost of the goods and charges to be first paid for out of the same, and the overplus to accrue to the benefit of the Province, the risque being on the publick accompt.” — *Executive Records of the Council*, vol. 3, p. 8.

Chap. 47. This chapter is from council records, vol. VI., p. 616. It is preserved in archives, vol. 40, p. 532.

The account mentioned in this resolve was as follows:—

“BOSTON IN NEW ENGLAND 1698 @

| | |
|--|------------------|
| The Country to Caleb Ray Keeper of his Maj ^{ties} Goal in Boston Since y ^e Last Acco ^t given In the 3 ^d of June 1698 for y ^e keeping of Indians. Is | Dr |
| To keeping of th 2 Indians Davids from y ^e 3 ^d June to y ^e 13 th of August they were freed by order of Isaac Addington Esq ^r Is 10 weeks 1 day | £ s d |
| Each at 4/ 4 ^p week | 4 „ 01 „ 01 |
| To Ditto of Bomazyn from y ^e 3 ^d of June to y ^e 18 th of november Is 24 weeks at 4/ 4 ^p week | 4 „ 16 „ 00 |
| To Ditto of Shepcott John his 2 Sons Ditto 24 weeks at 4/ 4 ^p week for Each | 9 „ 12 „ 00 |
| | £ — 18 „ 09 „ 01 |

Boston y^e 18th november 1698 @

CALEB RAY.” — *Mass.*

Archives, vol. 40, p. 532.

On the thirtieth of November the House passed an order, for the payment of this account, which was concurred in by the Council on the first of December.

The order in Council† for the payment of the sum allowed, as also of the allowances granted by chapters 64 and 65, *post*, was passed December 22, 1698, and the province treasurer's account‡ shows a payment of this allowance according to order.

Chap. 48. This chapter is from archives, vol. 101, p. 122. It is recorded in council records, vol. VI., p. 616.

The service in which the expenses incurred and for which the compensation made amounted to the sum granted by this chapter was a journey to Albany, to meet the Earl of Bellomont, at a conference held by him with the Five Nations, in August, 1698.

* Manuscript mutilated.

† *Executive Records of the Council*, vol. 2, p. 574.

‡ *Mass. Archives*, vol. 122, p. 150.

The object of this journey, and the manner in which the messengers were appointed, are shown in the following papers, — one being a letter from Springfield, and the other a vote of the Council upon the subject of the letter : —

“Springfeild July. 18th 1698.

Hon^{ble} Sr

Although I am not able to give yo^r Honor a full acco^t of y^e late Mischeife done at Hatfeild by y^e Indians, yet acco^t it my duty to signifie what I heare, on Satturday Night, one of Springfeild, (who is a very credible & sufficient man to Render an acco^t) Having bene at y^e vp^r Townes, returned Home, & tels me That on Friday last, y^e 15th of this Instant July in y^e afternone toward Night about an Houre & halfe or Two houres before sunset some Indians appeared in Hatfeild Meddow where people, cheifely lads were at worke in Hilling of Indian corne y^e corne being high, y^e Indians came vpon them on a sudden they not seing them til they were vpon y^m & being vnarmed & nothing to resist them, The enymy killed Three p^rsently Two lads & a man The man John Billing one of o^r Troopers was a year man ready for service vpon al occasions, & Hearing y^e Bussel went to his Horse to be ready But just as he mounted his Horse was shot downe dead, The Two lads killed in y^e Place where they were at worke about their corne & another Lad y^t was wth y^m at worke is wanting y^t it is supposed he is also. killed, or caryed away, though it is evident they rather designed killing then taking o^r People, because they had opportunity to have taken many lads more y^t were there who got away one man by name Nathanel Dickenson, whose son was one of y^e lads y^t was killed & also y^e lad wanting is another of his sons, sd Dickenson at some distance from them being alitle concerned for his children Hearing y^e Noise & disturbance where about his children were at worke gat his Horse & Rid to y^e Place where seing y^e sons killed, & y^e Indians drawing off Rid vp to them, when an Indian made shot at him & killed downe his Horse, so y^t he drew off, & escaped, wth several others y^t were there at worke They say it was only 4 Indians who came betwene y^e Rows of corne (y^e corne being high) & were not discernable til killing of y^m: Having searched also they plainly se y^e distinct Tracks of 4 Indians & noe more, each one coming vp to y^m at worke betwene y^e Rows of corne yet one of y^e lads That got away says he observed them when he was got alitle frō them & told y^m to be .5. tho in his fright he says he might mistake: Tis very p^rbable it may be some of those Indians y^t Joseph English told of, & y^t y^e remainder may make .2. or .3. smale parcels more to Lurk at other places for opportunitys to doe Mischeife: I heare nothing frō Dearfeild, Hope al is wel there, where are Placed al y^e soldiers, yo^r ordered me as also at al other Places, Having complatly p^rformed in evry respect according to yo^r Honors direction & Commands & al are vpon Duty & at Dearefeild scouts were out yet these Indians y^t did y^e Mischeif at Hatfeild not discovered though also a soldier Posted there at Hatfeild Farmes hard by where this Mischeife was in their greate Meddow, not far frō y^e Farme Garrison I haue now given acco^t of this surprise, vnto o^r soldiers at Brookfeild to further their care & watchfulness, & doe thereby Transmit what I know to yo^r Honor whom I am assured wilbe suitably concerned: I am as p^rticular as I can, not Having Recd any letter Capt Partrigg (as y^e man tels me) was busly Employed in getting soldiers together & had ready betwene 20. & 30. in halfe an hours time who went out after y^e enymy But it was nere sun downe first tho they went p^rsently assoone as notice of it came to y^e Towne, when also sending to y^e next Townes, Northampton sent out in y^e evening 30. to Hatfeild what is done I know not or how far they might p^rsue: I suppose Capt Partrig by some Travellers or otherwise may give yo^r Honor a more full acco^t

That Earle Bellamont should haue notice I know yo^r Honor wil not neglect whether Frontenack at Canida should not be Inquired of concerning their Indians y^t should they act when Peace is concluded o^r Captives to be demanded & r: y^e Messenger stays & I may not ad but my humble service & am in al sincerity

Yo^r Honors most humble & faithful serv^t

JOHN PYNCHON

some say this may be Albany Indians in Revenge time wil discover more I suppose I shal heare to-day.” — *Mass. Archives*, vol. 70, p. 383.

“July 22, 1698. Upon letters received yesterday from the County of Hampshire by Express, informing that the Indians had lately committed some outrages and Murders upon some of his Maj^{ties} good subjects of the Town of Hatfield, and that by their knowledge of one of the Indians that was slain in the said action, and the relation of two English yonths, who, being taken captive by the said Indians, were recovered again out of their hands, and knew some of them; they are well assured that the said Indians which committed the aforesaid outrages and Murders, are of the Schackhook River Indians n^r Albany.

Advised and Resolved: That a Letter be forthwith dispatched with the Intelligences thereof unto his Excellency the Earle of Bellomont (now at Albany) and to pray his Excellcy to take such methods and orders concerning those River Indians as may prevent their coming to the Western Plantations of this Province or committing any outrages upon his Mat^{ys} subjects, with whom they pretend to be at Friendship.

And that a letter be also written to Col^o Pynchon directing that himselfe advising with Capt^o Partrigg M^r Hawley and other Gent^{le} of that County do forthwith send two suitable persons to wait upon his Excellency at Albany on this occasion, taking with them two or three others that may be capeable to evidence concerning the villanies and Treacheries of those River Indians, that a particular & full representation thereof may be made unto his Excellcy.

Executive Records of the Council, vol. 2, p. 545.

W^m SToughton.” — *Exec-*

Pynchon and Partridge appointed Hawley and Parsons to proceed to Albany, as directed by the Council. The messengers bore with them a memorial to Bellomont, signed by the two officers that appointed them, informing him of the murder at Hatfield, as described in Pynchon's letter, and soliciting his influence to prevent the recurrence of such atrocities, and to insure the punishment of the murderers. This memorial has not been discovered; but, upon receiving it, Bellomont forthwith caused the Schaghticoke Indians to be examined

as to their knowledge of, or complicity in, that affair. The result of this inquiry was to convince the Governor that the guilty parties were from Canada. He immediately despatched to Frontenac a letter, from which the following is an extract:—

“Sir:

I have just arrived from the frontiers, where, among other things, I have had a conference with our Five Nations of Indians,

I learn from New-England that your Indians have killed two of our English in the vicinity of a village called Hatfield, and taken off their scalps, and that it occurred about the 15th of last month, whilst those poor people were busy making their harvest, being wholly unarmed, thinking themselves secure by reason of the peace. Such barbarities cannot be heard of without exciting a thrill of horror. It is added that your Indians are encouraged hereunto by the reward you pay them, viz: fifty crowns for each scalp. . .”
— *Documents Relating to the Colonial History of the State of New York, vol. IV., p. 367.*

Frontenac's reply was dated the twenty-first of September, and contained the following passage:—

“I have sufficiently explained myself regarding some Indians of Acadia, and was always apprehensive that unless those of their Tribe, who are detained in prison at Boston with such bad faith, were immediately restored to them, they might organize some expedition against your Colony. I regret nevertheless, the attack which, as you inform me, they made on Hatfield, where they killed two men. This obliges me to send, now, a second order to these Indians to make them cease hostilities. But I have again to repeat the request that you have their people sent back to them, to which you have not given me any answer.” — *Ibid., vol. IX., p. 695.*

His Lordship also faithfully reported all the proceedings to the Lords of Trade in his despatch of the sixteenth of September; as follows, —

“A memoriall signed by Col. Pyncheon and Mr. Partridge and sent me to Albany by Mr Hawley and Mr Parsons about the murder of two Englishmen by some Indians at the town of Hatfeild in New-England is sent herewith . . together with my examination of the Skackkook Indians about the said murder, . . . will inform your Lordships of the whole of that matter. I have also resented that barbarous action in my letter to the Governour of Canada, bearing date the 13th of August last . . having probable grounds to beleive the Canada Indians committed the murder.” — *Ibid., vol. IV., p. 364.*

The following is the account which Hawley and Parsons rendered of their disbursements:—

“To the Honorable Leivt Governor And Councell Now sitting In Boston
Here follows An account of the charges of those who went to Albany: with us whose names are subscribed:

| | |
|---|--------------|
| To Benjamin Wright for himselfe and Horse, twelve dayes: At three shillings ½ day: besides other expences: | 01 - 16 - 00 |
| To provision and drink for the Journey out and home. | 00 - 12 - 00 |
| Charges at Albany and horse keeping | 00 - 08 - 00 |
| Charges at Cander hook up and Down | 00 - 04 - 03 |
| tollall: | 03 - 00 - 03 |
| To John King the same | 03 - 00 - 03 |
| Will King: BenJ Stebbins Jonathan Taylor: same: | 09 - 00 - 09 |
| To Nathaniell Gillit: 2 ^u 10 ^s : Loss of his horse: 3 th : | 05 - 10 - 00 |
| To Hire of an horse Down 12 ^s | 00 - 12 - 00 |
| To shoeing eight horses Round: by Eben ^r Pimrey: | 01 - 12 - 00 |
| To Expences at Westfield: eight men and Horses, out & home: | 01 - 06 - 06 |
| for which we Crave an order:/ | 24 - 01 - 09 |
| Besides our own time Horses and Expences which were Considerably more then if we had binn upon our own Private Buisness; for which we Referr o'selves to your Hono's: } JOSEPH HAWLEY JOSEPH PARSONS | |
| To one horse from Marlborough, for y ^e advantage of the abovesd Expedition viz Dan ^l Hows horse 30 Mile | 00 - 2 - 6 |
| To money expended: out and home and at Albany: Three pounds eighteen shillings: Apeice | 07 - 16 - 00 |
| for our Horses Journey: 16 ^s Apeice | 01 - 12 - 00 |
| | 24 . 01 . 09 |
| 33: 12: 3 | |
| 6: 8: 4 | £33 12: 03.” |

— *Mass. Archives, vol. 101, p. 121.*

The order in Council* for the payment of the allowance granted by this chapter was passed December 9, 1698, and in the province treasurer's account† Hawley and Parsons are charged with forty pounds paid to them, accordingly.

Chap. 49. This chapter is from archives, vol. 70, p. 387. It is recorded in council records, vol. VI., p. 615.

The date of Captain Clarke's appointment is shown in the following petition which was the foundation of the order that constitutes this chapter:—

* Executive Records of the Council, vol. 2, p. 587.

† Mass. Archives, vol. 122, p. 138.

“To the Hon^{ble} the Leivtenant Governour and Council and the Hon^{ble} the assembly Now setting in Boston

The Humble Peticon of Tim^o Clarke :

Sheweth —

Thalt your Petitioner haueing Reed : a Commission from the R^t Hon^{ble} the Lieutenant governour and Com^r in Chife and instructions both bearing date the 29th of aprell 1697 = To take the Command of his mag^{ties} fort Batterys : and fortifications : att the foot of fort Hill in Boston : and in the behalfe of his mag^{ties} to take Emedyate Poseshone of sd fort and of all : the grate and small artillary with all the stores : for warr tharvnto belonging and to Putt and keepe the sd fort in good and sufficient Repair fitt for his mag^{ties} servis all which : your Petitioner hath dun with the Expens of much time and mony and wharas your Petitioner hath Not yett Reced : any Pay nor any other Consideratione for the same doe hope that you will take the same into your Consideratione and order such alowans to be made to your Petitioner for y^e aboue sd servis as yor^t Hon^{rs} : shalt think Convenyent.

and your Petitioner shall Ever Pray &c

Boston N E = Novem^r 21 : 1698
Archives, vol. 70, p. 388.

TIM^o CLARKE.” — *Mass.*

By the following order it will be seen that Clarke did not actually take charge of the South Battery for some days after the date of his commission : —

“Province of the
Massachusetts Bay.

By the R^t Hon^{ble} the Lieutenant Gov-
ernour & Command^r in Chief

Whereas I have Commissionated Cap^t Timothy Clarke to be Captain of His Majesties Fort Batteries and Fortifications scituate at the foot of Fort hill (so Called) in Boston. I order that you deliver the sd Fort, Batteries, and Fortifications with all the Guns, ordnanc amunition and other Stores thereto belonging unto the said Cap^t Timothy Clarke taking his receipt for the same. Given under my hand at Boston the Third day of May 1697. —

WM^o STOUGHTON

To Cap^t Timothy Prout late Command^r
of the abovementioned Fort &c. —

A true Copy of the Original & left on file instead thereof

Exam^d P^r ADTON DAVENPORT Cler.” — *Ibid., p. 341.*

The changes in this chapter, from the time it passed the House, are shown on its face as here printed. In the Secretary’s record it appears much simplified, the last twenty-three words being omitted.

The order in Council* for the payment of this allowance was passed December 22, 1698, and the province treasurer in his accounts† charges Clarke with the amount as paid to him.

From a memorandum on the petition it would seem that it was at first rejected, it having been read on the twenty-fifth and again on the twenty-ninth of November, when the adverse vote was taken.

Chap. 50. This chapter is from archives, vol. 70, p. 390. It is recorded in council records, vol. VI., p. 617.

The petition upon which this resolve was based is as follows : —

“Boston : Nouembr 30 : 1698 —

To y^e hon^{ble} W^m Stoughton Esq^r Lt^t Gouvernor of y^e Prouince of the Massachusetts Bay in New England, The Councill & Assembly now Sitting.

The Petition of John Nelson Gentleman humbly Sheweth. —

That whearas y^r Pction^r hath for neare seauen years last past been a prissoner unto y^e french, under pretence of a reprisall for sundrie souldiers, which had been taken at port Royall, by the Late s^r W^m Phipps, in y^e Yeare 1690, and as they Alledged Contrarie unto y^e Articles then made by him, Instead of returning them unto some of y^e french Kings dominions, they were here detained as prisoners, by reason of which, y^r Pctioner, and sundrie others of this prouince ; haue been great sufferers in france, soe that y^r Pctioner for y^e Obtaining of his lybertie, was Constrained to Comply with y^e Demands of y^e french Court, by ingageing the retorne of y^e said souldiers, in the space of Eighteen monthes after y^e Inlargem^t of y^r Pctioner, from his Confinem^t In pursuance of which, by the sollicitations of sundrie p^{rs}ons, The Authority here were preuailed with, to p^rmitt y^e sending back of the said souldiers, in Order whereunto, Y^r Petitioners Wife & freinds were at y^e Labor & Expence of finding out such of y^e said souldiers, as yett remained, they being dispersed throughout y^e Country, & by theire great paines & Charge, did gather to geather sundrie of them, with hopes that they should haue been sent to Quebec, on y^e Acc^t & for y^e behalfe of y^r Petition^r, But soe it was, that Instead of the said souldiers being sent for the release of y^r Petition^r, they were by Order of y^e Gonerment Caried to Canada, and were there Exchanged for a Considerable Number of English prisoners, with out any regard or mention of y^r s^d Petitioner, soe that y^r Pctioner receiueing noe benefitt thereby, was constrained in discharge of his promise, and the securities he had left in france, to surrender himselfe againe a prissoner unto the french &c. — And Wheareas y^r Pctioner dureing his being with y^e french at y^e Eastward, did buy & release from y^e Indians seauen English Captines, some of which would haue been put to death according to theire Barbarous maner, if y^r Pctioner had not Interpos^d by his interest wth y^e french, & redeeming of them at his proper Charge, of which y^r Pctioner has here diuers Evidances, The p^rmisses Considered togeather with y^r Pctioners sufferings, losses, & diners other things to teadious here to relate, will noe doubt be of sufficient Inducement for this honorable Court, to render y^r Pctioner Justice in repaying unto him his disbursments for y^e takeing up of y^e souldiers affores^d, according to y^e Acc^t here Anexed, as allsoe some Considera-

* Executive Records of the Council, vol. 2, p. 573.

† *Mass. Archives*, vol. 122, p. 149.

tion in regard of the Captives ransomed by him. — A due and favorable answer unto y^r Prtioners request is humbly prayed by.

Y^r Most humble & Obedient Servant

J^o NELSON." — *Mass.*

Archives, vol. 70, p. 389.

With this petition was filed the following account of disbursements made in getting together the French prisoners, to be exchanged agreeably to Nelson's promise: —

| | | | | | | | | |
|-----------------------|---|---|---|---|---|-----|---|----|
| "1695. July. 16. | Payd Arthur Mason jun ^r in part of his Expences to get | | | | | £ 6 | " | " |
| | y ^e french men | . | . | . | . | " | " | " |
| Aug ^t . 7. | pd Jn ^o Arnald & ditto Mason . | . | . | . | . | £13 | " | 16 |
| | pd for writings about y ^e soldiers | . | . | . | . | " | 6 | " |
| | | | | | | | | |
| | disburced — | | | | | £20 | " | 2 |

In behalfe of m^r Jn^o Nelson

W HARRIS."

— *Ibid.*, p. 391.

The order in Council* for the payment of the allowance granted by this chapter was passed December 22, 1698.

Some account of Nelson, and of his services and sufferings for his country, has been given in the note to chapter 33, *ante*.

Chap. 51. This chapter is from council records, vol. VI., p. 617. It is preserved in archives, vol. 58, p. 182. It was originally drawn as a vote for granting two hundred and fifty pounds per annum to Rev. Increase Mather upon the terms, and (with the exception of the amount of the salary) in the words, as here printed. It passed the Council on the third of December, and was sent down to the House, where it was read a first time on the same day, and, on the fifth, voted a nonconcurrence. On the seventh, the House reconsidered its vote (it seems, from Sewall's statement, after a conference) and concurred with the Council, except in the amount of the salary. The result was the vote which, as an order, and with the preamble added thereto by the Secretary, forms this chapter. In this vote the Council concurred.

Increase Mather aspired to be at the head of Harvard College, but under a corporate government in which he might feel sure of a controlling influence. The act† of incorporation of 1692, which was passed when he was in the zenith of his power, is perhaps the nearest approach to his ideal of a proper charter that he ever expected to attain, but this had been disallowed by the Privy Council, ostensibly because the visitatorial power had not been exclusively reserved to the king or his immediate appointee. By the time the tidings of the disallowance of this charter reached New England, Mather had lost much of his prestige; and he never again succeeded in obtaining from the Legislature an act of incorporation so entirely agreeable to his wishes. A bill was drawn up in 1696 with some prospect of being passed; but it was successfully opposed by Mather, who endeavored in vain to induce the Legislature, instead of passing this bill, to authorize him to proceed to England, as the agent of the province, to solicit such a charter as would be acceptable to him, and, as he professed to believe, would prove most advantageous to the college and to the province. What his ulterior purpose was is not so plain. It is certain, however, that, the granting of a charter being an act of prerogative, he could have returned with such an instrument as would have pleased no one but himself and his son, and which, being under the great seal, could not be altered or repealed without the consent of the crown. He had had experience in this sort of diplomacy when, from his mission to England as agent to solicit the restoration of the colony charter, he returned with the charter of the province, by which his friends were placed in power, and both of the old colonies were absorbed and extinguished, against the protest of all his associates in the agency. He seems, evidently, to have been of the opinion that he could be equally successful in settling the affairs of the college, an enterprise in which he had a particular and personal interest, or, if he failed in the attempt, that he could improve the occasion of his sojourn in London to arrange for a transfer of his field of professional labor from the province to England.

From the first year of his appointment he had succeeded, against the urgent and repeated requests of one or both branches of the Legislature, in holding on to the presidency, without removing to Cambridge, by alternately threatening to resign and retire to England, and pleading the unsettled condition of the college and the claims of his congregation in Boston. No settlement of the college, he claimed, could be effected save under such a charter as would be acceptable to the crown — the indispensable requirement being the exclusive right of visitation which the king, in his Privy Council, had demanded. This point, of which, after it had been made in England, he availed himself as his best argument, was politically taken, inasmuch as, while its force could not be denied here, it was well adapted to win for him the good will of the administration in London; and there is reason to believe that if he did not encourage the home government to insist upon it, he is not on record as having asked them to yield it.

Upon the failure of the abortive charter of 1696, a new charter was drawn up, which passed the General Court the next year. Bellomont was daily expected here, and great hopes were entertained by the friends of the college of a favorable result from his advice and influence in respect to placing the college on a permanent basis. Mather now redoubled his efforts to secure the agency; and for a time the prospect seemed encouraging. Notwithstanding he knew that his name had been mentioned to Bellomont as that of the only person whom the Governor could implicitly trust in this business, he appears to have been anxious to have the certainty of his mission established before the Governor's arrival, — as if predetermined not to commit himself to any measures which should not be the result of his own negotiation in London. Sir Henry Ashurst wrote to

* Executive Records of the Council, vol. 2, p. 572.

† Province Laws, 1692-3, chapter 10.

him, mildly expostulating upon the impolicy of this course, which he represented as virtually an abandonment of the field to his enemies, and a disappointment to the Governor. As early as March, Mather had fixed upon July or August as the probable date of his visit to London; yet, upon Bellomont's arrival at New York, he lost no time in sending his congratulations while excusing himself, on account of "a late indisposition as to my health," from waiting upon the Governor, in person. In his congratulatory letter he had the disingenuousness to declare to the Governor that, but for this expectation of His Excellency's arrival, he might have been in London on the business of the college at the time of his writing. Mather got the college corporation to send one of the fellows, with an address, to the Governor, urging him to use his influence to prevail upon the Legislature to authorize and assist him (Mather) to proceed on the agency. It would seem that, at first, Bellomont was induced to fall in with this suggestion; but later, after he arrived at Boston and had opportunity to understand the character of the person chiefly concerned, and to hear other subjects discussed by men of different opinions, he himself accepted the invitation of the Legislature to undertake, in behalf of the province,* to procure a royal charter without Mather's interference. Meanwhile the act of 1697 had been sent to the Privy Council, where it was received with such favor that Ashurst assured Mather that it "had passed the solicitor without any amendment and would certainly pass the Council." Mather, however, so far from using his influence to have the act confirmed, had already written to Blathwayt that he was coming to London, and, apparently without the knowledge of Ashurst, had urged that its further consideration be postponed until his arrival.

On the twenty-fourth of November, 1698, the Lords of Trade prepared their representation to the Lords Justices of the Privy Council, recommending the disallowance of the act, and an order in Council was passed accordingly, and the reasons therefor were ordered to be communicated by the Lords of Trade to the government at Boston.

Before this intelligence was received, the Legislature made another attempt to induce Mather to remove to, and reside at, Cambridge.

This was evidently not unexpected by Mather and his friends, who sought to avert the objectionable measure by proposing that the Legislature establish the office of a salaried vice president, to reside at the college and to perform the duties of the president, in his absence. Accordingly, the following petition by the corporation was read on the twenty-ninth of November, but no record of further action thereon has been discovered:—

"To the Honourable y^e Lieut Govern^r; Council, & Representatives, in Gen^l Court Assembled.

In as much as the Condition of Harvard Colledg, doth render it very necessary, that some further provision be made for y^e welfare thereof; It is humbly proposed unto this Hon^{ble} Assembly, that in case y^e Corporation of the said Colledg can prevail with any fit person to Accept of the place of a vice President, & remoove unto y^e Colledg, & there perform y^e work usually attended by Presidents resident at y^e Colledg, under y^e continuall assistance & Countenance of the Rev^d President (y^e continuance of whose relation to the Colledg is on all Acco^{ts} needfull) & in his absence, to have the full power of the President; This Honoured Court would please to order for such a vice president such encouragement, as may be judged agreeable, while he shall devote himself unto a service of so much Importance./

JAMES ALLEN

Boston 23. Novembr 1698./ In the name
& with the Consent of the Corporation." — *Mass. Archives*, vol. 58, p. 179.

This was followed, a few days later, by the passage of the present chapter, in which the liberal allowance granted was intended as an inducement to Mather to yield to the desire so often manifested, and now renewed, by the Legislature.

A joint committee was immediately appointed to wait upon the President; but the names of this committee, the nature of the duty with which they were charged, and the particulars of their interview, are only to be found in Sewall's Diary. He makes the following record:—

"Decr 8. . . . The speaker, Mr. Eyre, and Mr. Oliver, Dept. for Cambridge, were of a co^mmittee with Mr. Secretary and me to acquaint Mr. Mather with the Courts desire of his removal to Cambridge, and carry him an Order for £200 per annum so long as he should reside there. By reason of the Wedding,† twas near 7 in the even before we got thither. I began, and ask'd excuse for our being so late. The reason was, most of us were come from a Wedding; However I hop'd, it was a good omen, that we were all come to a Wedding. Mr. President expostulated with Mr. Speaker and Mr. Eyre about the votes being alter'd, from 250 [L. ?], as the Council had set it, and also his name being left out and making him a five years president. Note. By a conference the Bill was made as ours at first, saving fifty pounds less. We urg'd his going all we could; I told him of his Birth and education here; that he look'd at work rather than Wages, all met in desiring him, and should hardly agree so well in any other. Mr. Speaker, in behalf of the House, earnestly desired him. Objected want of a House, Bill for Corporation not pass'd; Church; [his attachment to it] Must needs preach once every week, which he prefered before the Gold and Silver of the West-Indies. I told him would preach twice aday to the students. He said that [exposition] was nothing like preaching." — *Vol. I., p. 487.*

Mather subsequently addressed to the Lieutenant-Governor a letter, of which Sewall has preserved a copy, as follows:—

"A Copy of President Mather's Letter.

To the Honorable William Stoughton, Esqr. Lieut. Governour of the Province of Massachusetts Bay.

HONOURABLE SIR,

I promised the worthy Gentlemen who acquainted me with the Proposal of the General Court concerning the removal of my Habitation from Boston to Cambridge, that I would

* *Resolves*, 1700-1, chapter 43.

† "Simon Lee and Theodor Belchar" were married by Rev. Mr. Myles, December 9, 1698. Boston Town Records.

return my Answer to your Honour. In the first place I give my humble Thanks, as to the General Assembly, so, in a special manner, to the honourable Council, and to your Honour in a most peculiar manner, for the Respect in this Motion manifested. Nevertheless, as to the thing proposed, I do not see my way clear. As to the Salary, I make no objection, although it is considerably less than what I have in Boston, through the Love and bounty of the people amongst whom God hath fixed my present abode. But the objections which are of weight with me are these; — 1. If I comply with what is desired, I shall be taken off, in a great measure at least, from my publick Ministry. Should I leave preaching to 1500. souls (for I suppose that so many use ordinarily to attend in our Congregation) only to expound to 40 or 50 Children, few of them capable of Edification by such Exercises: I doubt I should not do well. I desire (as long as the Lord shall enable me) to preach publicly every Lords Day. And I think all the Gold in the East and West-Indies would not tempt me to leave preaching the Unsearchable Riches of Christ; which several of the Presidents in the Colledge were necessitated to desist from, because of their other work.

2. I am now (through the patience of God) grown into years, wanting but half a year of 60. and of a weak and tender Constitution of Body, not well able to endure the Hardships of the Presidentship. A younger and a stronger man would do better. *Invalidæ vires ingenumque mihi.*

3. I have laboured much both in New-England, and in England to obtain an happy settlement of the Colledge. Should I at last go thither my self, the World would say, (as I hear some do say) that I sought my self in all those Endeavours. Such Reproaches will, by a Resignation of my Relation to that Society, be for ever put to Silence. One Reason of my retaining my Relation to the Colledge thus long, has been because it was thought, that would facilitate its Charter-Settlement. Could I see that done, I should with great joy give way to another President.

4. I am satisfied that the Church to which I stand related, will not set me at Liberty. Many of them say that God has made me their Spiritual Father; and how can they consent that I should go from them? Besides, they well know that I have had a strong Bent of Spirit to spend (and to end) the remainder of my few days in England; and that the thing that keeps me here, now the Gospel has a free passage there, is my Love to them: for which cause they will not consent to my being discharg'd of my Office-Relation, without which I must not remove to the Colledge. For it is not fit that I should retain an Office without Discharging the Duties of that Office.

I neither will, nor have I obstructed the settlement of the Colledge in a better hand. I have often (as your Honour well knows) desired to resign my Relation to that Society. And if it will not be grievous to you, I shall to-morrow (If you please) deliver a Resignation of the Presidentship to the Senior Fellow of the Corporation, for him to call a Corporation-Meeting in order to the chusing another President. And let the Corporation doe as they would doe if I were out of the World. Thus, Sir, have I taken the freedom to acquaint you with my present Inclinations, and with the Reasons thereof, which I cannot answer. Could I see them well answered to my own satisfaction (but of that I despair) I should be capable of changing my mind. Untill then, and ever, I remain

Honourable Sir,

Yours to Serve

Decembr 16. 1698.

INCREASE MATHER." — *Ibid.*, p. 493.

Mather having thus declined the proposal conveyed in the passing of this chapter, it ceased to be operative, and the next year he was granted* for this year's service the usual stipend of fifty pounds.

Chap. 53. This chapter is from archives, vol. 11, p. 127. It is recorded in council records, vol. VI., p. 620.

Berwick had already been granted an allowance for the support of the ministry. See resolves, 1697, chapter 28. The circumstances of the parish still continuing straitened, the following petition was presented at the first session of the General Court this year: —

"To the Honorable William Stoughton Esq; Lieu^t Gov^r; his honrd Council & the Representatives, assembled, May 25. 1698—

Whereas y^e Circumstances of y^e Parish of Barwick Continue as Sad as, or rather more grievous than hitherto by reason of y^e Not ceasing of y^e Wars & y^e Extreme deadness in trading or humble petition is y^t or Case as Represented in or Last years Petition may be duly Considered & y^e like Bounty yo^r honour'd Assembly was pleased to allow us for y^e year 1697/8 toward maining† y^e Ministry in or s^d parish, Viz^t twenty pounds, may be granted to y^e same Use, for the year ensueing, which will Oblige us to be ever

Yo^r Honor^s most devoted Serv^{ts}

Barwick May. 20th 1698

| | |
|----------------|---|
| DANIEL GOODIN | } Select men & others chosen to act in behalf of s ^d parish." |
| JAMES EMERY | |
| JAMES WARREN | |
| PETER GRANT | |
| BENONY HODSDEN | |
| NATHAN LORD | |
| THOMAS GOODIN | |
| BENJAMIN NASON | |

Archives, vol. 11, p. 127.

No further action than the reading of this petition appears to have been taken upon it until the second of December, when the order which constitutes this chapter was passed in the House, and sent up for concurrence to the Council, where it was concurred in on the seventh.

The order in Council‡ for the payment of this allowance was passed October 23, 1699.

* Resolves, 1699-1700, chapter 10.

† *Sic*: maintaining.

‡ Executive Records of the Council, vol. 3, p. 75.

Chap. 54. This chapter is from archives, vol. 106, p. 435. It is recorded in council records, vol. VI., p. 620.

The following is the petition upon which this resolve was based:—

“Vnto the honble The Lievt Gover and Councill and Representatives in the Generall Court sitting in Boston in November 1698.

The Petition of John Woodcock of Atleburrough Inholder.

Humbly Sheweth

That in August 1689 when Capt Prentis was sent by the Government of this province to Rhoad Island to fetch or bring back Sir Edmund Andrews The s^d Capt Prentis with his whole troop quartered one night In your Petitioners hous on their Jurney to the Island and one other night on their returne and left of charges unpaid for sd two nights Eleven pounds twelf shillings and six pence As by a writeing and acknowledgement under the hand of sd Capt Prentis (produced herwith) will plainly Appear

It is therefor humbly Craved your hon^{rs} will pleas to take the premisses to Consideration And to grant an order to the Tresaurer for payment to your Petitr of the aforsd sume of Eleven pounds twelve shillings and six pence or otherwise to order that your Petitr may have allowance of sd sume in part of his Rates or excise to be paid by him And your Petitioner shall ever pray &c.

JOHN WOODCOCK.” — *Mass.*

Archives, vol. 106, p. 435.

With this petition Woodcock filed the following certificate:—

“August 6 1689

This may Certefy to whome It may Concerne that I was Sent by y^e the then Gouernm^t then setting Att Boston to Road Island for to fetch Sr Edmund Andros for his Absenting him Selve And we quartred In our Journy Att Jn^o Woodcockes wch Charge Comes to five pounds Eleauen shillgs Sixe pence Att our Returne wee then quartred Att sd Woodcocke house wch Charge Comes to Sixe pounds one shill y^e whole being 11^l 12^s 6^d wch Sumes of mony he is not Satisfied there for y^r Subscriber Desires that y^e sd Woodcocke may be Satisfied —

Boston y^e 12th of Jun* 1694

THOMAS PRENTIS Cap.” — *Ibid., p. 436.*

The resolve granting this allowance was passed in the House on the sixth of December and concurred in by the Council on the seventh.

The order in Council† for paying the allowance was passed December 22, 1698.

Chap. 56. This chapter is from archives, vol. 11, p. 132. It is recorded in council records, vol. VI., p. 621.

The particulars of the journey made by the committee appointed to wait upon the new governor on his arrival at New York have been given in the note to resolves, 1697, chapter 62.

According to the custom at that time, this embassy was accompanied by a chaplain, to whom, by this chapter, an allowance was made for his services in that capacity.

The order in Council‡ for the payment of this allowance was passed December 22, 1698, and the payment to him accordingly is charged in the account§ of the province treasurer.

Chap. 57. This chapter is from archives, vol. 40, p. 544. It is recorded in council records, vol. VI., p. 623.

The order in Council|| for the payment of these allowances was passed December 22, 1698, and the payment was duly entered by the province treasurer in his accounts.¶

Chap. 58. This chapter is from council records, vol. VI., p. 623. It has not been found in the archives.

The order in Council|| for the payment of this allowance was passed December 22, 1698, and the province treasurer in his account¶ charges Addington with the amount thereof.

Chap. 59. This chapter is from archives, vol. 70, p. 396. It is recorded in council records, vol. VI., p. 623.

On the twenty-seventh of June, 1698, “John Walley Esq^r was chosen by the Court to be the Comissioner and Collector to have the general Inspection, care, and Management of the Duties of Impost, and Tunnage of Shipping, and whatsoever relates thereunto”*** under the provisions of the act†† of that date.

The allowance granted by this chapter was not paid until the next year, when, upon the settling of Walley’s accounts, a resolve‡‡ was passed, confirming this chapter.

Chap. 60. This chapter is from archives, vol. 101, p. 132. It is recorded in council records, vol. VI., p. 623.

This resolve was passed upon the following petition:—

“To the Generall Assembly of his Majestys Province of Massachusetts Bay now sitting in Boston

Ephraim Savage requestesth that you would be pleased to Order what shall be his sallery for serving as one of the comittee of Debenters from July 1697 to July 1698 and to give order for the payment of the same.” — *Mass. Archives, vol. 101, p. 133.*

* Doubtful.

† Executive Records of the Council, vol. 2, p. 575.

‡ *Ibid.*, p. 573.

§ *Mass. Archives*, vol. 122, p. 149.

|| Executive Records of the Council, vol. 2, p. 571.

¶ *Mass. Archives*, vol. 122, p. 148.

** Council Records, vol. VI., p. 602.

†† Province Laws, 1698, chapter 16, § 12.

‡‡ 1699-1700, chapter 5, and note.

The resolve was passed in the House on the ninth of December, and was concurred in by the Council on the tenth. The money was paid under a subsequent resolve, 1699–1700, chapter 12, *q. v.*

Chap. 61. This chapter is from archives, vol. 101, p. 130. It is recorded in council records, vol. VI., p. 623.

The “draught” mentioned in this chapter as “presented to this Court” was perhaps the first drawing of Southack’s map, which, eventually, he enlarged so as to include the whole coast from New York to the island of Cape Breton. If this surmise is correct, it would be interesting to know what part of the coast this first essay embraced.

The order in Council* for the payment of the allowance was passed December 22, 1698, and the amount thereof was duly charged as paid to Captain Southack, in the province treasurer’s accounts.†

Chap. 62. This chapter is from archives, vol. 48, p. 299. It is recorded in council records, vol. VI., p. 623.

The order in Council‡ for the payment of this allowance and also of the allowance made by chapter 63, *post*, was passed February 16, 1698–9, and the amount thereof and also the additional sum of seven pounds allowed to Davenport, by chapter 26, *ante*, is charged in the treasurer’s accounts† as paid to these clerks, being a total of thirty-two pounds.

Chap. 63. This chapter is from archives, vol. 48, p. 300. It is recorded in council records, vol. VI., p. 624. See the foregoing note.

Chap. 64. This chapter is from archives, vol. 48, p. 298. It is recorded in council records, vol. VI., p. 624. See chapter 27, *ante*, for the last previous allowance to Maxwell.

The order in Council§ for the payment of this allowance was passed December 22, 1698.

The following entry appears in the province treasurer’s accounts from May 30, 1698, to May 31, 1699:—

“Paid James Maxwell door keeper & messenger to the Governour &

Council & Assembly in full of halfe a yeares Salary ending the 8th

June 1698 allowed by the General Assembly 15 *li* — *ss* —.”

— *Mass. Archives*, vol. 122, p. 149.

Chap. 65. This chapter is from archives, vol. 48, p. 297. It is recorded in council records, vol. VI., p. 624.

The order in Council§ for the payment of this allowance was passed December 22, 1698.

The following entry appears in the province treasurer’s accounts from May 30, 1698, to May 31, 1699:—

“Paid Henry Eames for service done for the house of representatives . . . 2 *li* — *ss* —.”

— *Mass. Archives*, vol. 122, p. 150.

Chap. 66. This chapter is from council records, vol. VI., p. 624. It has not been found in the archives

Chap. 67. This chapter is from council records, vol. VI., p. 624. It is preserved in archives, vol. 70, p. 374.

The following is the petition mentioned in the preamble to this chapter:—

“To the honrd the Greate and Generall Court of the Province of y^e massachusetts Bay now Sitting in Boston

The Petition of Seth Pope of Dartmouth in behalf of Sam Quabiscom *als* Sam Nopye, and Job Penwatcheage two Indians of s^d Dartmouth who were souldiers in his maj^{ties} service in an Expedition to y^e Eastward in y^e yeare 1696 und^r y^e command of Capⁿ Jethro Church an Indian Capⁿ Then subject unto & und^r Major Benjamin Church’s Regiment

Humbly Sheweth

That after the aforementioned Indians were (with other, of their Comp^a) discharged from y^e said Expedition, they returned to their habitations and although y^e wages of s^d Indian Company were delivered by Major Walley to y^e s^d Capⁿ Jethro Church, for payment thereof to y^e respective Indian souldiers under his command, yett they say that they had no Notice of y^e Same given them thereof nor ever were payd one penny of their wages by y^r s^d Captaine, nor did they know of y^e Same till of Late, after y^e death of y^e s^d Jethro, and there being Two pounds Foure shillings and foure pence, due to y^e s^d Sam Nopye and one pound seventene shillings and Eleven pence due to y^e s^d Job Penwatcheage for their said service as appeares by a noate of their wages herewith presented, and for w^{ch} they are incessantly applying themselves to y^{or} petition^r to take some care about it soe as that they may have s^d moneys payd them —

Y^{or} Petition^r therefore on behalf of said Two Indians humbly Entreates This high and hon^{ble} Court to consider the premisses. by ordering paym^t of their respective wages unto them; as soone as may be soe as that y^{or} petition^r May be quiet from their continuall clamour when att home And as in duty bound shall pray &c

SETH POPE.” — *Mass.*

Archives, vol. 70, p. 374.

With this petition Pope filed the following certificate from the commissioner on debentures:—

* Executive Records of the Council, vol. 2, p. 572.

† *Mass. Archives*, vol. 122, p. 149.

‡ Executive Records of the Council, vol. 3, p. 4.

§ *Ibid.*, vol. 2, p. 574.

"Cap^t Jethro had a Debenture for y^e Indians wages y^t were vnder his Com^dand & have been Informed yt he took care to pay every one according to what was there Due, but one or two Indians y^t lived remote came not for yr wages vntil Cap^t Jethro was drowned & Sam nopy a martin^s vineyard Indian saith he is not paid & his due Com^{is}sary deducted was one pound Seventeen & Eleven pence & this was done while our orders were to deliver ye Cap^ts debentures for them selves & Companys Certyfied this 8 Dec: 1698

by JOHN WALLEY Com^r." — *Ibid.*, p. 375.

This petition appears to have been read in the House on the seventh of June, but no further action upon it was had in that session. On the ninth of December it was read again, and an order was passed thereon substantially as incorporated in this chapter, but without the preamble, and was concurred in by the Council on the next day.

The order in Council* for the payment of this allowance was passed December 22, 1698, and the province treasurer in his account† charged this amount as paid to Seth Pope, accordingly.

Chap. 68. This chapter is from council records, vol. VI., p. 624. It is preserved in archives, vol. 16, p. 524.

The circumstances which led to the passage of this chapter appear to have been as follows: William Essett died intestate, having survived his wife, Ann, the widow, first, of Thomas Sheffield, and second, of Charles Perry. During her second coverture she was in possession of the land and buildings‡ in Boston of which her husband, Sheffield, died seised, in his own right, in fee.

For many years, and before her marriage to Essett, she had been a helpless invalid, and largely in debt on that account; but as there were no known heirs to the estate, of which she was the sole occupant and the prospective owner, there seems to have been no lack of suitors for her hand, as often as she became a widow. To get this estate either vested in her, or sold for the payment of her debts, seems to have led to at least two extraordinary conveyances and to numerous lawsuits. As early as 1679 she had given a deed of the premises, both in her own right and as the attorney§ of her husband, Perry, then absent at sea, to Edward Shippen of Boston, "upholder," for two hundred and fifty pounds, New-England currency. But, although this deed was delivered to the grantee and duly entered of record,|| she seems to have remained in possession, probably because of Shippen's discovery of the invalidity of her title.¶

It would seem that Perry, on his return, succeeded in finding, in a neighbor (Joseph Homes or Holmes), a person willing to take from him not only a conveyance** of the premises, but actual possession. This, it would appear, was a transaction in which his wife was not invited to join and to which she did not consent, for, after the decease of Perry, she brought suit in the County Court for Suffolk, held at Boston on the twenty-ninth of July, 1684, "in an action of the case," against Homes, for that he "hath possessed himself in, and doth refuse to give her possession" of, the estate, etc., "which of right doth belong to the plaintiff, it being lately her husband Sheffield, deceased, letters of administration being granted the plaintiff." The jury, to whom the issue appears to have been wholly left, took the plaintiff's view of the case and brought in a verdict finding for her, "possession of the house and land sued for, and costs of court." The defendant appealed to the Court of Assistants, and, to prevent further disturbance of her title, and to avoid the uncertainties of litigation, she applied to the General Court, in the following petition:—

"To the Hon^{ble} the Govern^r & Company of the Massachusetts Colony Assembled in General Court at Boston May 27. 1685.

The Petition of Ann Sheffield *alias* Perry, widdow

Humbly Sheweth

That yor^e poor Petr^e hath been of along time under the afflicting hand of God by sickness, wherein she hath been burthen some to many of her friends who have lent her mony to supply her necessity; And now she hath nothing to make restitution to her friends & pay her debts Save her house & Land left by her husband Sheffield & he dyeing Intestate, & hath no relation living y^t yor^e Petr^e ever could hear of. the sd house & Land being now in her possession by virtne of a Judgm^t & Execution. And yor^e Petr^e haveing an opportunity to sell the same, the buyer Questions yor^e Petr^es Title thereunto.

Yor^e Poor Petr^e therefore humbly prayeth that ye please to confirm the same to her, her heires & Assignes for ever that so She may render what is due to every one.

And yor^e Petr^e Shall ever pray—&c^t

ANN SHEFFIELD *als* Perry." — *Mass.*

Archives, vol. 16, p. 374.

Upon this petition the following order was passed:—

"the Magistrates being fully informed of ye state of ye petitioner & this case do grant her petition provided she haue ye consent of ye County Court of Suffolke for ye sale of ye house & land herein mentioned desiring ye consent of or Brethren ye Deputies hereunto

EDWARD RAWSON secr^y.

Consented to by the deputs

WILLIAM TORREY Cleric." — *Ibid.*

* Executive Records of the Council, vol. 2, p. 575.

† *Mass. Archives*, vol. 122, p. 150.

‡ Apparently these premises were situated on that part of Federal Street, south of Summer Street, which was formerly called "Sea Street," and near the junction of the two streets, and facing the harbor, or sea.

§ Power recorded, Suffolk Registry of Deeds, lib. 11, fol. 296.

|| Dated July 24, recorded, December 19, 1679, — *ibid.*, fol. 259, 260.

¶ Shippen conveyed his interest to Samuel Eells March 3, by deed recorded March 11, 1679-80: *ibid.*, fol. 296.

** October 13, 1679; recorded, July 29, 1693. *Ibid.*, lib. 16, fol. 160.

Probably the consent of the County Court to the sale of the estate was never obtained, for, after her decease, Homes brought suit against her third husband, Essett, and Elizabeth Wilkinson, both of Boston, "in an action of the case, for refusing to deliver possession to the plaintiff of an house and land in Boston [describing by boundaries] . . . purchased by the plaintiff of Charles Perry, husband to Ann Sheffield, since deceased, and is now of right the plaintiff's—the possession of which house and land the said Essett and Wilkinson do unjustly detain from the plaintiff, to his damage," etc. The jury found for the defendant.

Besides bringing a cross action against Homes, for trespass, Essett applied to the General Court for leave to sell the estate in question, by the following petition:—

"To his Excellency Sr William Phipps Knt Capⁿ Generall and Governor in cheife of their Majt^{ies} Province of the Massachusetts Bay in New Engl^d and hon^d Council & Representatives thereof now assembled in Generall Court held att Boston by adjournement Septembr 11th 1694—

The Petition of William Essetts of Boston

Humbly Sheweth

That yor Petition^r Married Ann Perry *als* Sheffield late dec^d who in her life time in right of her first husband Sheffield was possessed of an House and Land in Boston. And before Yor Petition^r married her Shee had contracted many debts, as also after her marriage, made great addition thereto by her Long and Tedious sickness w^{ch} shee underwent before her dissolution And there being nothing to satisfie the same other then the said House & Land, And in as much as no heire appears to Claime it—

Yor Petition^r humbly Entreats the favor of this high & hon^{ble} Court to take the p^rmisses into Considerac^{on}, by being pleased to grant unto Yor petiti^on^r full power and authority for Selling the said House and Land to pay the said debts whereby the Creditors may not be defeated of their right,

And Yor Petition^r as in dnty bound shall ever pray &c

W^m ESSETTS." — *Ibid.*, p. 526.

This petition was read in the House, on the eleventh of September, 1694, and again on the eighteenth of October. On the tenth of June, 1695, in the Council, "A Bil^l* to enable William Essett to sell a House, and Land in Boston to pay the Debts of his Late Wife, formerly Ann Sheffielde dece^d was brought in, and read a first time." On the seventeenth this bill† was read again, and "Voted, and sent down to the House of Representatives for Concurrence."

What the provisions of this bill were has not been ascertained, nor, owing to the loss of the House Journals, are the particulars known of its fate in the House. It is evident, however, that the House did not concur in the vote of the Council.

On the eighteenth of December, 1696, the following vote was passed thereon, which seems to have been the last action taken upon this petition:—

"Voted to be deferred unto the first fryday in the next Sessions of this Court, And that Joseph Holmes be notified thereof." — *Ibid.*

The principal debt incurred on Mrs. Essett's account appears to have been due to her nurse, Elizabeth (Matson),‡ wife of Sampson Moore, wool-comber. Moore and his wife, therefore, had brought an action against Essett in the Superior Court of Judicature, for Suffolk County, of the particulars of which an entry, on the last Tuesday in April, 1697, that this action "was continued upon advisement unto the next court," is all that has been found of record. This continuance may have been on account of the illness of the defendant, who died on the twenty-fourth of May.

The first session of the next General Court began only two days after Essett's decease. At this session, Seth Perry, another creditor, joined with Moore in the following petition:—

"To the Right Hon^{ble} William Stoughton Esq^r Lt Governour and Com^{and}r in cheife of his Majt^{ies} Province of the Massachusetts Bay in New England with the hon^d Council and representatives thereof now assembled in the Great & Gen^ll court of sd Province held att Boston May. 26th 1697

The Petition of Seth Perry, and Sampson Moore in right of his wife who before marriage with him, for many Yeares together was Nurse to the wife of William Essett Dec^d in her Long and Tedious sickness before her death,

Humbly Sheweth

That Whereas William Essett in his life Time Petitioned this hon^d Court that he might Sell the house and Land in Boston that his wife left him in Possession of when shee died that soe the debts contracted in her Long sickness might be justly payd as by said Petition lying before this hon^d Court more fully may appeare, and Since w^{ch} said Petition was given in said Essett is dead also, & by meanes whereof nothing to Effect hath hitherto been done.

Now Forasmuch as yor Petition^{rs} are two of the Cheife Creditors to the Estate left by the wife of sd William Essett dec^d to whome the Estate is indebted Considerable Summes of money. They doe therefore humbly entreate That this high and hon^{ble} court will please to consid^r this, with the Contents of the sd Essetts Petition, and thereupon be pleased to authorize and Impower Some meet person or persons to make Sale of sd house and Land for payment of the debts due to y^e Petitiors and other the Creditors.

And Yor Petition^{rs} as in duty bound shall pray &c." — *Ibid.*, p. 523.

This petition was read, in the Council, on the sixteenth of Juno, 1697, and sent to the House. On the eighteenth, it was read in the House, and on the nineteenth the vote thereon which constitutes the present chapter was passed, and sent to the Council, for concurrence. No action appears to have been taken by the Court upon this vote until

* Council Records, vol. VI., p. 400.

† *Ibid.*, p. 406.

‡ Boston records of births, marriages and deaths.

near the close of the last session of the following year, when it was again sent up from the House. This was on the ninth of December, 1698, and on the tenth, the Council “voted a concurrence.” No record of subsequent proceedings at law or in the Legislature has been discovered, until June 17, 1701, and again November 10, 1702, when the petitioners were granted a hearing before the whole General Court. See resolves, 1701–2, chapter 12, and 1702, chapter 52.

Chap. 69. This chapter is from council records, vol. VI., p. 625. It is preserved in archives, vol. 62, p. 292.

The following is the petition upon which this resolve was passed: —

“To the Honourable the Lt Governor &c. In the General Court Assembled Nov^r 98

The Humble petition of Penn Townsend and Andrew Belcher in behalfe of them selves & others

Humbly sheweth

That whereas they have shipt off some quantity of Rum and wine which hath paid the whole entry, but the certificates that were endorsed, being lost, either by the officer, or our selves, we loose the benefit of the drawback. Therefore we pray that the same being by Oath or otherwise made to appear to the Commissioner, he may be ordered by this Court to allow the drawback of the same And your Petitioners shall pray, as In duty bound.” — *Mass. Archives*, vol. 62, p. 292.

Chap. 70. This chapter is from archives, vol. 101, p. 134. It is recorded in council records, vol. VI., p. 625.

This order, though irregular, seems not to have been opposed in the House, either at the time of its passage or when the province treasurer's accounts, which were duly approved, were presented for allowance. See resolves, 1699–1700, chapter 6.

1699-1700.

Chap. 1. This chapter is from council records, vol. VII., p. 8. It has not been found in the archives.

Bellomont's long-expected arrival at Boston, on the twenty-sixth of May, 1699, was the occasion of great rejoicings. The Legislature expressed its gratitude in the form of an address to the king,* which was drawn up by the committee appointed by virtue of this chapter.

Chap. 2. This chapter is from council records, vol. VII., p. 10. It has not been found in the archives.

The edition of the province laws, prepared in compliance with this chapter, is known as the edition of 1699. Of the six members of the committee charged with the superintendence of this work three were justices of the Superior Court of Judicature, and one was the Secretary of the province, who, later, held a seat on the same bench. White was for many years clerk of the House, and Eyre was a representative from Boston and well versed in the statutes of the province.

The edition, which had been in preparation long before the appointment of the committee, was ready for distribution by the eighteenth of July, when the following resolve was passed in the House and sent up for concurrence, but seems not to have been concurred in: —

“Resolved — The Laws of this Province being Revised and Reprinted pursuant to an Order of this Court for that End. That every member of this present Gen^l Assembly shall have a Book of sd Laws Reserved and Given to them, to be paid for out of the Treasury of this Province.

In the House of Representatives July 18th 1699 Read, Past, &

Sent up for Concurrence., — JAM^s CONVERSE Speaker.” — *Mass. Archives*, vol. 47, p. 218.

The following is the order for paying the publishers the cost of copies distributed by them for the public use: —

“Jan. 24, 1699–1700. Whereas the General Assembly at their Session in May last past, ordered a new impression of the Laws of this Prov^{ce} which has been undertaken and performed at the charge of Michael Perry and Benjamin Elliott Booksellers, who (besides Fifty bookes given for the copy) have furnished one hundred and fifty more for the service of the publick, at the same rate they stand them in, amounting to the sum of Twenty pounds, together with the binding of some.

Advised and Consented. That his Excellency issue forth his Warrant to Mr Treasurer to pay unto the said Michael Perry and Benjamin Eliot the aforesd sum of Twenty pounds.” — *Executive Records of the Council*, vol. 3, p. 90.

Chap. 3. This chapter is from archives, vol. 106, p. 451. The resolve is recorded in council records, vol. VII., p. 15.

The committee which had been appointed on the third of June to prepare this address assembled on the sixth, and by the fifteenth it had been drawn, reported, and adopted by both branches of the Legislature, in concurrence. The following letter was prepared by the Secretary, and forwarded with the address in accordance with the resolve of the General Court: —

* Chapter 3, *post*.

“Honble Sr/.

This Province being now made happy by the arrival of the truly Noble and most vertuous Lord y^e Earle of Bellomont, consigned by his Sacred Majty to the Chief place of Government over the same.

The Council and Assembly now convened have accounted it their duty, early to Address his Majty wth their humble and most hearty acknowledgement of his Royal Favour expressed on this Occasion unto his good Subjects within this his Province, and the renewed testification and Recognition of their Loyalty and Obedience. Which Address I am Ordered by the Council and Assembly to transmit unto yor Honour and comes here inclosed; And also to pray, that yor Honor will in their names humbly present the same unto his Majty with the first conveniency that you may, by direction of the Rt Honble the Lord high Chancellor of England. your Honor will herewith also receive a Letter from y^e Council and Assembly unto his Lord^e wherein they pray his Lord^e in addition to many former Favours by him done for this Province so far to honour y^e same as to introduce yor Selve into his Majty^s. presence with their s^d Address.

I am with all due Respects and Service

Boston. 22^d June. 1699.

Honble Sr

Yor most humble obliged Servant;

ISA^d ADDINGTON.

Sr Hen: Ashburst.” — *Mass. Archives*, vol. 106, p. 453.

Chap. 4. This chapter is from council records, vol. VII., p. 31. It has not been found in the archives.

The order in Council* for the payment of the allowance granted in this chapter was passed August 24, 1699.

Chap. 5. This chapter is from council records, vol. VII., p. 32. It has not been found in the archives.

It will be remembered that the allowance granted to Walley, under resolves, 1698, chap-ter 59, was conditional. The condition having been performed, the present chapter was passed to enable him to receive his money. The order in Council† for the payment of this allowance and the farther sum of £18 4s., being the balance remaining due to him “upon his accompts as Commissioner for war,” was passed August 24, 1699.

Chap. 6. This chapter is from council records, vol. VII., p. 34. It has not been found in the archives.

Chap. 7. This chapter is from council records, vol. VII., p. 35. It has not been found in the archives.

The order in Council† for the payment of the allowance granted in this chapter was passed August 24, 1699.

Chap. 9. This chapter is from archives, vol. 70, p. 421. It is recorded in council records, vol. VII., p. 38.

For the order in Council for the payment of this allowance see the note to chapter 5, *supra*.

Walley’s accounts had been laid before the House, and this chapter passed by the representatives, by the twenty-third of June, but the concurring vote of the Council was not passed until the eighteenth of July. Governor Bellomont immediately signified his consent, and signed the resolve.

Chap. 10. This chapter is from archives, vol. 58, p. 195. It is recorded in council records, vol. VII., p. 39.

This resolve was passed by the House on the seventh of July, and concurred in by the Council and signed by the Governor on the eighteenth.

Mather still declining to remove to Cambridge, the allowance conditionally granted to him by the resolve of 1698, chapter 51, was not paid, as is shown in the note to that chapter, and hence this resolve was passed to restore the former salary.

The order in Council† for the payment of this allowance was passed August 24, 1699.

Chap. 11. This chapter is from archives, vol. 70, p. 423. It is recorded in council records, vol. VII., p. 39.

The following is the petition upon which this resolve was passed: —

“To his Exiley y^e Earle of Bellamont, Gour, and Comādr^e in Cheife, &c: In and Over his Majty^s province of the Massatusets Bay in New-England &c: and to the Honble y^e Council, — and Representetines assēbled in Genll Court, May y^e 31st 1699, —

The petetion of Coll^l John Philleps Esqr, & James Converse, —

Humblye sheweth

that Whereas y^e Honble Genll Court in November last Appointed your petetion^{rs} to vndertake A voiage Eastw^d in y^e dead of the last Winter, to Negotiate an affaire with y^e Eastw^d Salvages, accordingly, haueing Receiued Instructions from his Honor y^e Lt Gov^r & Council, your petetion^{rs} Imbarq^d on y^e province Gallie, Captⁿ Cyprian Southak Comand^r, on y^e Eigth of Decem^r last, and proseeded on y^e voiage, and returned hom to Boston in feb: following, we were two months and a day or two, we Indured much hard-ship, we brought hom most of y^e English Captines y^t were in y^e Indians hands, and returned A journ^l of the whole affaire to his Honor and Council, who were pleased to send your petetion^{rs} againe in April last who were absent one month, besids aboue a week on s^d service to fitt for y^e voiage, so y^t we were more yⁿ a week aboue three months in all,

* Executive Records of the Council, vol. 3, p. 51.

† *Ibid.*, p. 52.

and yett made all the possible dispatch we Could, as our Journals will shew. we expended several pounds of our own money, and as yett haue rec^d nothing for our great pains and charge

We pray y^t Your Exiley and Your Hon^{rs} would be pleased to order to Each of vs out of the publick tresury of this province, such meet Compensation, as in your wisdom may seem Just so shall your petetior^s, as in duty pray &c

JAM^s CONVERSE in the behalfe of Col^l Phillips & him selfe." — *Mass. Archives*, vol. 70, p. 403.

This petition was read in the House on the seventh of July and referred to a standing committee on petitions, who reported, on the eighth, that each of the petitioners be allowed twenty pounds. This report and the petition were forthwith read, whereupon the resolve which constitutes this chapter was prepared, read twice, passed, and sent up to the Council, for concurrence. On the eighteenth it was passed in the Council and consented to by the Governor.

The order in Council* for the payment of this allowance was passed August 24, 1699.

Chap. 12. This chapter is from council records, vol. VII., p. 39. It has not been found in the archives.

The condition upon which the allowance granted by resolves, 1698, chapter 60, was to be paid having been performed, this chapter was passed to enable Savage to receive his money. The order in Council* for the payment of this allowance was passed August 24, 1699.

Chap. 13. This chapter is from council records, vol. VII., p. 39. It has not been found in the archives.

The order in Council* for the payment of this allowance was passed August 24, 1699.

Chap. 14. This chapter is from council records, vol. VII., p. 40. It has not been found in the archives.

The order in Council* for the payment of this allowance was passed August 24, 1699.

Chap. 15. This chapter is from archives, vol. 70, p. 424. It is recorded in council records, vol. VII., p. 40.

The following is the petition upon which this resolve was founded: —

"To the Rt Hon^{ble} y^e Leint Governor y^e Honrd Council & Representatives of y^e Massachusetts Province now assembled at Boston in Gen^l Court. Decembr: 20th 1697 —

The peticoⁿ of Timothy Phillips of Charlestowne & of Jacob Luffkin of Wells —

Humbly Sheweth:

That y^e said Timothy Phillips as Capⁿ and y^e s^d Jacob Luffkin as Serjant Served his Maj^{tie} in y^e late Expedition agst y^e Common Enemie To y^e Eastward, where upon an Engagement wth y^e Enemie french and Indians upon y^e 9th day of Septembr last past both yor petition^{rs} were wounded through their thighs by means whereof much of their Strength is Impaired and lay Eight weeks and three or four daies under y^e Docto^{rs} hands and arrived here at Boston, sd Phillips on y^e Twenty sixth of Septembr and s^d Luffkin on y^e third of october last, from which time after their arriveall they haue not been allowed one farthing alltho they lay under y^e Doctors hands till y^e tenth of Novembr last. And y^e Comission^{rs} of y^e warr declared to sd petition^{rs} y^t it was beyond their power to allow them any thing from y^e time of their arriveall, whilst under y^e Docto^{rs} hands.

yor Petition^{rs} therefore humbly pray that this high and Honoble Court would be pleased to Consid^r y^e p^{ri}misses, and allow them what in yor wisdom Shall be thought meet for their time, whilst under y^e Doctors hands, wth Smart money.

And yor Petition^{rs} Shall Euer pray &c.

TIM^o PHILLIPS
JACOB LUFFKINS." — *Mass.*

Archives, vol. 70, p. 368.

It was upon this petition that chapter 68 of the resolves of the year 1697 was passed, appointing a committee on the claims of officers and soldiers. This committee reported upon the foregoing petition, as follows: —

"Wee the Committee above apoynted haue attended S^d Service & finde only the under written to make demand, w^{ch} we think ought to be allowed Viz

| | | |
|--|-----------|-----------|
| Cap ^t Tim ^s Phillips | | £. 10:—:— |
| Serg ^t Jac Luffkin | | £. 3:—:— |
| Joeph ^t Soper | | £. 2:—:— |

ELISHA HUTCHINSON
SAM SEWALL.
PETER SERGEANT."

— *Ibid.*, p. 367.

This report was read in the House on the thirtieth of June, 1699, whereupon the following resolve was passed: —

"Resolved That it do Passe & be Granted in the Sevr^l Articles of it, and that M^r Sec^{ry} be desired to Draw a Bill accordingly." — *Ibid.*

On the seventh of July the preamble and resolve which constitute this chapter, having been prepared by the Secretary according to order, were passed by the House and sent up to the Council, for concurrence, where they were passed, and were consented to by Bello-mont on the eighteenth of July.

The order in Council† for the payment of this allowance was passed August 24, 1699.

* Executive Records of the Council, vol. 3, p. 52.

† *Sic.*

‡ Executive Records of the Council, vol. 3, p. 53.

Chap. 16. This chapter is from archives, vol. 70, p. 425. It is recorded in council records, vol. VII., p. 40.

The accident by which Procter lost his life is thus recorded by Sewall:—

“Second-day, June 12, 1699. The Gov^r goes to the Castle with Col. Romer and several of the Council: Was saluted by the Fort and Ships as passed by, and at the Castle. Afterwards Col. Romer desired a Shot might be made; the Gun broke, and kill'd Nathan¹ Homes, the Under-Guñer, who was buried at Roxbury next day, just before Lecture. One Procter, an old man, was dangerously wounded.” — *Diary, vol. I., p. 498.*

On the day after this accident the Governor and Council granted Procter an allowance of five pounds “for his present reliefe.”*

By the seventeenth, Procter's injuries had proved fatal, as appears by the following entry in the council records:—

“June 17, 1699. Ordered That a Bill be brought in for allowing of Ten pounds out of his Maj^{ties} Treasury of this province for the Charge of Surgeons, and funeral Charges of Samuel Procter, lately a Garrison Souldier at the Castle, and wounded there in his Maj^{ties} Service, of which Wounds he died, and also a Yearly pension of Ten pounds to be paid unto his wife during her widowhood for Support of herself and Family.” — *Vol. VII., p. 19.*

The resolve which constitutes the present chapter was read, first, in the House, on the twenty-first of June, and on the same day it was passed, and sent up to the Council, for concurrence. On the eighteenth of July the Council concurred in, and the Governor consented to, the resolve.

The order in Council† for the payment of the allowance of ten pounds was passed August 24, 1699.

Chap. 17. This chapter is from archives, vol. 70, p. 426. It is recorded in council records, vol. VII., p. 40.

Chap. 18. This chapter is from council records, vol. VII., p. 41. It is preserved in archives, vol. 11, p. 134.

The following is the petition upon which this resolve was founded:—

“To his Excellency the Right hon^{ble} Richard Earle of Bellomont Capⁿ Gen^l and Governour in cheife of his Maj^{ties} Provinces of the Massachusetts Bay New Yorke &c and of the Territorys thereon depending and Admirall of the Same, with the honrd Council and Representatives of the sd Massachusetts Bay now assembled in Generall Court held att Boston.

The Petition of John Whelewright Representative for Wells in the County of Yorke in behalf of the Said Towne

Humbly Sheweth

That by reason of a Long and Wasting warr the Greatest part of the Inhabitants thereof are Slaine or gone out of Towne, and butt about six houses left in w^{ch} are about Twenty six or Twenty Seaven families, and most of them extreamely poore, and the Enemy did also burne the house which they had built for the publick worship of God, and in the time of this their distress the province was pleased to allow Something towards y^e maintenance of a Minister for the said Towne, and the Garrisons there, w^{ch} Great favour they acknowledge with all thankfulness, And now there being a Peace concluded & the Souldiers drawne off, They would willingly (If God Enable them) build a house for the publick Worship of God, and have y^e same upheld among them, the which they are not able to doe and performe unless supported and assisted therein by the Publick

Yor Peticon^r therefore in behalf as aforesd humbly prays that this high and Hon^{ble} Court will please to continue the Same Charitable Assistance to them otherwise the ordinances of God will in a great measure Sink among them, who are not able alone to afford a Subsistence to a Minister

And Yor Peticon^r as in duty bound shall ever pray &c^a.” — *Mass. Archives, vol. 11, p. 134.*

This petition was read in the House on the ninth of June and referred to the committee on petitions. On the tenth it was read again and the resolve which constitutes this chapter was passed. The Council concurred on the eighteenth of July, when the Governor signified his consent, in writing.

The following order in Council was passed August 1, 1700:—

“Whereas the Great and General Court or Assembly at their Session begun and held at Boston the 31st of May 1699. Resolved That the Town of Wells be allowed Fifteen pounds out of the publick Treasury towards the support of the Ministry in s^d Town for the year (then) ensuing.

Advised and consented. That his Honour the Lient^t Gov^r issue forth his Warrant unto Mr Treasurer to pay unto Mr Samuel Emery Minister of the s^d Town of Wells the above mentioned sum of Fifteen pounds.” — *Executive Records of the Council, vol. 3, p. 145.*

Chap. 19. This chapter is from council records, vol. VII., p. 41. It is preserved in archives, vol. 11, p. 135.

The following is the petition upon which this resolve was founded:—

“To his Ex^{ty} Richard Earle of Bellomont Captain General and Governour in chief in & over his Mat^{ys} Province of the Massachusetts Bay in New England and to the Hon^{ble} the Council and Representatives of the s^d Province convened in General Assembly, June 1699

* Executive Records of the Council, vol. 3, p. 26.

† *Ibid.*, p. 53.

The Petition of Samuel Moody Preacher of the word of God at Yorke in the County of Yorke within the Province aboves^d

Humbly Sheweth

Whereas this Hon^{ble} Court hath so far considered the desolation and distress of the s^d Town of York as to order an augmentation towards upholding the worship of God there, which is gratefully acknowledged by the Inhabitants.

And whereas 'tis certain the s^d Town is unable to afford a competent maintainance and that there is as much need of help as ever, having no house for the Ministry, and many remaining stil destitute of habitations for themselves.

Your Petitioner therefore humbly prays in behalfe of s^d Town, and for the relief of himselfe & Family That you will please to order your Petitioner such Allowance for the last year beginning the 16th of May 1698. as to your wisdom & Justice shall seem fit

And your Petitioner as in duty bound. shall ever pray &c." — *Mass.*

Archives, vol. 11, p. 135.

This petition was read a first time, in the House, on the thirteenth of July, and on the fifteenth it was read again and the resolve which constitutes this chapter was passed and sent up to the Council, for concurrence. On the eighteenth it was concurred in by the Council, and the Governor signified his consent thereto.

It would seem by the following certificate and order remaining in the archives that Moody had previously applied to the commissioners for war, for his wages as a chaplain in the service:—

"To y^e Hon^{ble} y^e Comissioners for warr

These may certify, that Mr Sam^l Moody hath served as A Chaplain to y^e Garrisons Att Yorke, from the 18th of May last, unto y^e day of y^e date hereof.

Yorke April 20th 1699.

DANIEL: BLACK }
LUES BANE } Selectmen
JOSEPH BANKS }

To y^e Honour^{ble} Commissioners for warr &c:

Please to order y^e Money granted to me, as Chaplain, for y^e year past, unto Sam^l Sewall Esq^r

Yorke Apr: 20th 1699.

Your friend & Serv^t

SAM^l MOODY." — *Ibid., p. 136.*

The functions of the commissioners for war had ceased with the conclusion of the last treaty with the Indians, if not before, and hence Moody's only hope of obtaining aid from the province treasury was through the Legislature.

The order in Council* for the payment of this allowance was passed August 21, 1699.

Chap. 20. This chapter is from archives, vol. 119, p. 163. It is recorded in council records, vol. VII., p. 41.

For the appointment of Walley see note to resolves, 1698, chapter 45.

The following is the order in Council for allowing from the province treasury the amount remitted to Walley by this chapter:—

"Nov. 22, 1699. Whereas the Great and General Court or Assembly at their Session begun the thirty first day of May last past Resolved that the sum of Forty seven pounds three shill^{ls} and eight pence in Debts standing out for Impost and Excise be abated and remitted unto the several persons from whom the same was due according to an Acct presented unto the s^d Court. And that there be an order to the Treasurer and Reciever General of this Province to allow John Walley Esq^{re} late Commiss^r for Impost and Excise the s^d sum of Forty seven pounds, three shillings & 8^d and pass the said sum in his accompts

Advised and Consented. That his Excellency issue forth his Warrant to Mr Treasurer accordingly." — *Executive Records of the Council, vol. 3, p. 81.*

The resolve which constitutes this chapter was read in the House, first, on the sixth of July. On the eighth it was read twice, passed, and sent to the Council, for concurrence. On the nineteenth it was concurred in, and signed by the Governor.

Chap. 21. This chapter is from archives, vol. 70, p. 427. It is recorded in council records, vol. VII., p. 43.

The province charter passed the seals on the seventh of October, 1691. Five days later an order was passed by the Privy Council referring the accounts of Sir Edmund Andros (of sums expended by, and due to, him on account of the public service while he was governor) to Phips and his Council, with directions that they cause payment thereof "to be made to him, in course, out of the public revenue."

Phips's commission bears date the twelfth of December, yet this order in Council appears not to have been communicated to him in England, since it was presented by Mr. Philip Wells, together with a copy of Andros's accounts, to the Governor and Council at a meeting held in Boston, July 15, 1692.

What action, if any, was taken upon this order, at that time, does not appear; but upon the twentieth of December, an order was passed referring Andros's account to a committee, as shown in the note to resolves, 1700–1, chapter 47. Meanwhile the following order was passed:—

"At a Counsell held at Boston on Fryday: 09th Decembr 1692

Whereas diverse officers and Souldiers were appointed, detached and imployed in actual servise against the Indian enemy, during the time that Sr Edmund Andros had the government over the whole Territory & Dominion of New England for w^{ch} they complain they have not been paid their wages, & divers that have Accompts depending for Billetings, Vessells, hire, provisions & other Disburstments then made. In all w^{ch} his Ex^{ty} & Council being desirous that justice should be done, Have therefore nominated & appointed Mr Jam^s Taylor Mr Francis Burroughs & Mr Jam^s Loyd a Comittee to recieve

* *Executive Records of the Council, vol. 3, p. 52.*

& take in the claims of all such (That is to say) The Capt or cheif officer of each company to present a list of the names of the Severall officers, and private Sentinals that Served under him, with the time of their entrance and Discharge, and what hath been advanced or paid to each of y^m taken up of the Commissary or otherwise; And all other p^{rs}ons their Severall demands, To the intent thereof that the Account of that may be laid before their Maj:^{ties} and their directions prayed in that Matt^r.”—*Mass. Archives*, vol. 70, p. 186.

John Usher, who had been treasurer of the territory and dominion of New England during the administration of Andros, presented his accounts on the fifth of September, separately from those presented by Wells in behalf of Andros; but of these see, further, the note to resolves, 1700–1, chapter 47.

On the thirteenth of June, 1693, the House proposed the following order, which was sent to the Council for concurrence, but does not appear to have been concurred in:—

“Whereas his Excellency S^r William Phips and Councill y^e 9th Decemb^r last past appointed Jam^s Taylor Francis Burroughs & James Loyd a committee to receive the claimes of the Captains or Cheif Officers in behalf of themselves & their Souldiers who served against the Indian Enymy dureing the time that S^r Edmond Andros had the Government over the whole Territory & Dominion of New England, & of such as have acco^{ts} depending for Army Billetings vessells hire provisions seamen's wages & other disbursements then made w^{ch} order by reason of the death or absence of some of the Cheif Officers is found not to reach many of the Private Souldiers soe as to adjust what is due to them & what they have recd: of the Commisary's. It's further proposed, for releif of such souldiers & others aforementioned that they have liberty in any Town to repair to the Commition Officers (who are hereby impowered & ordered for that purpose) to make proof to their sattisfaction or the satisfaction of any two of them the time they were listed & continued in servis alsoe to give acco^{tt} upon Oath if required what they recd of the Commisary's: and whose armes they served with & wheither they have return'd y^m & to make proof of such their disbursemt^s to be administred by the Justice of peace of the town & if there be none in the town by the chief military officer there who is hereby authorized to administer the same the commition Officers to return the same under their hands to the afores^d Comitty at Boston wth convenient speed. Alsoe itt may be need full that the former ord^r of Councill wth this Addition be printed & published in every Town throw out this Province.”—*Ibid.*, p. 190.

On the fifth of December, Captain Timothy Clarke was appointed on this committee, in place of Lloyd, who had deceased, and on the twentieth of February following, Henry Dering was added to the committee.

The committee having reported to the Council, their report “was laid before the Court for consideration” on the eighth of September, 1694.

The next action that has been discovered upon the subject of this chapter is the following preamble and order:—

“June 17, 1699. Several Petitioners* of Maj^r Thomas Savage, Capt Richard Sprague and others, praying that Provisions may be made to pay them and their several Companies for service done for the public & supplies of Provisions, stores of war, and other Disbursemt^s by them made in the time of S^r Edmund Andross's Govern^t were read

Ordered That the s^d several Petitions be sent down to the Representatives, with a proposal, That a Committee be appointed, by that House to Joyn^e with a Committee of this Board, to Inquire into the Demands of the Petitioners and other Creditors in that time, and to Consider of proper Methods to make them just satisfaction, and to report the same.”—*Council Records*, vol. VII., p. 18.

In response to this order the House appears to have recommended that the subject be referred to a joint committee, since, on the twenty-eighth of June, the Council appointed a committee, to join with a committee of the House, “to consider of and propose a proper method to be taken for the discharge of the debts contracted in the time of Sir Edmund Andros's government.” The members of the committee appointed by the Council were Elisha Cooke, Elisha Hutchinson, John Foster, Peter Sergeant, John Walley, Penn Townsend and Nathaniel Byfield. The names of those appointed by the House have not been discovered.

On the nineteenth of July the “resolve and order” which constitutes this chapter, and which was probably reported by the above committee, was passed by both branches of the Legislature and signed by the Governor. A memorandum annexed gives the names of the committee, as follows:—

“Mr Fr^z: Burroughs }
Capt Jacob Green } Committee
Mr Joseph Parsons }

Mr Sergeant & }
Major Walley } Committee.”—*Mass.*

Archives, vol. 70, p. 427.

From these data the Secretary made up the following record of this resolve:—

“July 19, 1699. Resolved & Ordered That Peter Sergeant, and John Walley Esq^r Mr Francis Burroughs, Capt Jacob Green, and Mr Joseph Parson be a Committee to inspect, examine, and adjust the acco^{ts} of the Debts claimed for wages, and service done for the Public For Goods, and provisions taken up, and vessels hire, For subsisting of soldiers, or otherwise, during the time of S^r Edmund Andros's Government, given in to a former Committee appointed to receive the same; by any of the people of this Province, and to receive such further Claims as shall be made by any of this province, and to adjust the same and make their report upon the whole, unto the next session of this Court, that prouision may be made for payment of the s^d Debts, and that in adjusting the wages of officers, and soldiers they proceed according to the Custom, and usage of this Province

Consented to

BELLOMONT.”—*Council*

Records, vol. VII., p. 43.

See resolves, 1700–1, chapters 36 and 49.

* *Sic.*

Chap. 22. This chapter is from council records, vol. VII., p. 43. It has not been found in the archives.

Payne was chosen commissioner of the impost under the act* of June 27, 1698, by a concurrent vote of the Legislature, December 10, 1698.

The order in Council† for the payment of this allowance was passed August 24, 1699.

Chap. 23. This chapter is from council records, vol. VII., p. 43. It is preserved in archives, vol. 48, p. 302.

This resolve was based upon the following letter which Prout addressed to Speaker Converse, to be communicated to the House:—

“S^r

With due Respects to your self, And The Hon^{ble} House of Representatives, of which I understand you are Speaker, S^r I am bold to signifie to your self, and do desire you would also to the House; That whereas I have served as Clerk to s^d house four years, Namely, Eighty nine, ninety, ninety three, ninety four, and not haveing Received satisfaction for the s^d service, and haveing served with great Expences both in money and Time, it is a burthen too Weighty for me, together with the Expence of time and money Each year since my service, waiting for an answer to severall Requests and petitions for what is due to me, which is a great damage. When I was first Chose to be Clerk, I had the promise of Due Consideration for my service, as Clerks in form^r years, in the old Charter governm^t, which was then fifteen pounds \pounds annum, and that I should be allowed as the work was greater, which the first year was more then ordinarily four years fore going, and Each of the years I served more then any of the foregoing year in the old Gover^m^t, and twenty five ponds \pounds year has been allowed to others since I served, now if I have an Order for fifteen pounds \pounds annum for four year it will not pay private Expences, and if twenty five pound I shall not Receive twelve pence \pounds Day for my time, altho I must acknowledg I have Received ten pound in one year & seven in an other year which I account as part, I doubt not but severall of y^e Hon^{ble} house is sencible of my service, and that I ought to be paid, accordingly, I desire that the same may be considred and that care may be taken that I may have not only a grant but an order to be paid what is my just due, that I may not have cause to complaine, I may boldly say I have been out besides my time in s^d service Three times as much as I have rec^d Without Reckoning time which I accout precions and I think I as a private person ought not to be so great a sufferer,

S^r as I have been, the same I Remaine
yours & the Hon^{ble} House^s servant

June 2^d: 1699

to serve as I am able

EBENEZER PROUT.” — *Mass.*

Archives, vol. 48, p. 301.

The subject of Prout’s compensation came up in the House on the second of June, upon the reading of this letter; and on the third it was read a second time and debated. On the ninth the resolve which constitutes this chapter was passed and sent up to the Council, for concurrence. On the nineteenth of July it was passed by the Council, in concurrence, and the Governor signified his consent thereto.

The order in Council‡ for the payment of this allowance was passed August 24, 1699.

Chap. 24. This chapter is from council records, vol. VII., p. 43. It is preserved in archives, vol. 70, p. 406.

The following is the petition upon which this resolve was founded:—

“To his Excellency y^e Govern^r Liev^t Govern^r & Council and Representatives now Sitting, In Boston

The Peticoⁿ of Jeremiah Bumstead

Humbly sheweth

That whereas yo^r Peticoⁿ^r was formerly Employed in y^e Country Service against y^e Indians about twenty-three years since, under y^e Command of Cap^t Jacobs of Hingham In which Service yo^r Peticoⁿ^r was sorely wounded in one Legg by which he is disenabled ever since, to his great Impoverishm^t and now himself and wife, both being aged and decipid, and their estate almost wasted, Do most humbly pray, Yo^r Hon^{rs} there may be some Consideration had of Yo^r poor Peticoⁿ^r and some relief granted him in his great necessity occasioned by y^e affores^d servis, And yo^r Peticoⁿ^r as in duty bound shall not Cease to pray &c

June y^e 3rd 1699.” — *Mass. Archives, vol. 70, p. 405.*

This petition appears to have been read a first time, in the House, on the sixth of June. On the seventh it was read again and the resolve which constitutes this chapter was passed and sent to the Council, for concurrence. On the nineteenth of July it was passed by the Council, in concurrence, and was consented to and signed by Bellomont. See resolves, 1701-2, chapter 39, and note.

Orders in Council‡ were passed on the sixth of November, 1699, and on the second of May, 1701, for the issuing of warrants on the province treasurer for payment of “pensions stipends and annual allowances” granted by the Great and General Court, the former “to divers persons . . . in consideration of wounds and mayhems received in his majesty’s service” and the latter “to any person or persons, from time to time as the same shall become due.” Under these general orders the petitioner undoubtedly received his allowance.

Chap. 25. This chapter is from council records, vol. VII., p. 44. It is preserved in archives, vol. 70, p. 408.

The following is the petition upon which this resolve was founded:—

* Province Laws, 1698, chapter 16, § 12.

† Executive Records of the Council, vol. 3, p. 52.

‡ *Ibid.*, pp. 76 and 200.

“To his Ex^{cy} Richard Earle of Bellomont Captain General and Governour in chief of his Mat^{ys} Province of the Massachusetts Bay &c and to the hon^{ble} Council & Representatives of the s^d Province convened in General Assembly June 1699

The Petition of Elizabeth Hopley widow of Robert Hopley late of Boston Mariner de^{cd}
Humbly sheweth

That your Petitioners s^d husband served his Mat^y as Gunner of his hired ship the America Merch^t Capt Joseph Parsons & afterwards Capt Eldredge Comander, for the space of six months on the Expedition to Canada *Anno* 1690. for w^{ch} he had a Debenture for Eleven pounds thirteen shillings & four pence, and presented the same to John Phillips Esq^r then Treasurer, who thereupon gave him an order to the Treasurer of the Province of New Hampshire for paym^t of the s^d Sum^m. But the Treasurer of that Province refused to accept the s^d order, or to pay yo^r Petitioners s^d husband any thing thereupon, so that yo^r Pet^{rs} s^d husband or any one on his behalfe, hath not to this time been paid any thing for his s^d service.

And your Petitioner further shews That her said husband deceasing some time since, hath left your Petr in a very poor & low Estate, and with several Children to provide for, who are exposed to great hardship & sufferings for want of a comfortable subsistence which your Petr by all her labour and industry is not capeable to procure for them

Wherefore your Petr most humbly prays your Ex^{cy} and this hon^{ble} Court That order may be speedily given for paying unto yo^r Petitioner the afores^d sum^m of Eleven pounds, thirteen shillings & four pence due for her husbands service as afores^d—

And yo^r Petr as in duty bound shall ever pray &c.” — *Mass. Archives*, vol. 70, p. 408.

This petition was read in the House on the fifteenth of July. It was read again on the seventeenth, when the resolve which constitutes this chapter was passed, and on the nineteenth it was passed by the Council, in concurrence, and consented to and signed by Bellomont.

The order in Council* for the payment of this allowance was passed August 24, 1699.

Chap. 26. This chapter is from council records, vol. VII., p. 44. It is preserved in archives, vol. 70, p. 401.

The following is the petition upon which this resolve was founded:—

“Province of
y^e: Massachusetts
Bay: May 31st
1699—

To his Excellency The Right Hon^{ble} Richard Earle of
Bellomont, Govern^r in Chief of his Majesties Province
of the Massachusetts Bay in New England and to y^e
Hon^{ble} y^e Council and Representatives in Gen^l Court
Assembled

The Petition of Josiah Parker of Cambridge

humbly sheweth

That whereas in the year 1693—the Indian enemy made an assault upon the Town of Groton, in which, among others James Parker Jun^r Brother to yo^r humble Petr^r was killed, with his Wife, severall of his Children also were then Carried away Captive, one of which named Phinehas Parker something less then a year ago was (by a Master of a Vessell belonging to Ipswich) redeemed from the Indians at y^e eastward: which said Master has been reimbursed by yo^r Pet^{er} w^{ch} is to the Value of about six pounds in Money—

The earnest request of yo^r humble Petr^r to yo^r Excellency & to this Hon^{ble} Court, is that you would please to Consider him & that allowance may be made him out of the publick Treasury for what he has disburs^t Also he desires humbly that you would please something to Consider the said Phinehas who is a poor Orphan now about twelve years old, and is like wise lame of one of his Leggs occasioned by y^e cruelty of y^e salvages and it is very questionable whether ever he will be Cured, & has little or nothing left him of his Fathers estate for his support If therefore what has here been suggested by yo^r humble Pet^{er} may be accordingly Considered & granted, it will greatly oblige him, as in duty Bound ever to Pray &c
Archives, vol. 70, p. 401.

JOSIAH PARKER.” — *Mass.*

This petition was read, a first time, in the House, on the third of June. On the sixth it was read a second time, and again on the seventh, when the vote which constitutes this chapter was passed and sent to the Council for concurrence. On the nineteenth of July it was concurred in, and the Governor signified his consent thereto in writing.

The order in Council* for the payment of this allowance was passed August 24, 1699.

Chap. 27. This chapter is from council records, vol. VII., p. 44. It is preserved in archives, vol. 70, p. 400.

The following is the petition upon which this resolve was founded:—

“To The Honored & great Assembly now setting in Boston The humble petition and Request of Stephen Holden of Groton

Honored S^{rs}

It having pleased the Almighty God to order it that my selfe & my two biggest sons th^o small were taken captives by the Indian enemyes from our towne of Groton and being with the Esterne enemy & my 2 sons about one year & ten moneth where th^o it was my portion to escape with my life thro gods mercy beyound what I did expect or look for & I thinke fared better then some other English yett great hardship and difficultyes I underwent. butt being very desirous with one of my sons that was there to gitt home If it might before the English vessells came I was necessitated to give my promise to my Indian Pilates whome I satisfyed att Richmans Island by English that I borrowed of there thre pound & twelue shillings If I might have y^e boldnesse I would humbly craue That It might be

* Executive Records of the Council, vol. 3, p. 53.

payd out of Publiq; stock I should take it thankfully att your hands Thus with my thankfullnesse to God that both myselfe & both my children he hath graciously returned to our home againe cominend your honours and concernments into y^e hands & wishing y^e Presence & benidiction of y^e soveraine God I take Leave & subscribe myselfe your humble servant & suppliant

Groton May 27th 1699

STEPHEN HOLDEN." — *Mass.*

Archives, vol. 70, p. 400.

This petition was read, first, in the House, on the sixth of June and the vote thereon passed which constitutes this chapter. On the nineteenth of July it was concurred in by the Council, and consented to and signed by the Governor.

The order in Council* for the payment of this allowance was passed August 24, 1699.

Chap. 28. This chapter is from council records, vol. VII., p. 42. It has not been found in the archives.

Chap. 31. This chapter is from archives, vol. 106, p. 451. It is recorded in council records, vol. VII., p. 46.

The order in Council* for the payment of this allowance was passed August 24, 1699.

See resolves, 1694–5, chapter 14, and note, and 1701–2, chapter 22, and note.

Chap. 32. This chapter is from council records, vol. VII., p. 46. It is preserved in archives, vol. 70, p. 404.

The following is the petition upon which this resolve was founded:—

"Province of
y^e: Massachusetts
Bay: May 31st
1699—

To his Excellency The Right Hon^{ble} Richard Earle of
Bellomont Govern^r in Chief of his Majesties Province
of the Massachusetts Bay in New England, & to y^e
Hon^{ble} y^e Council and Representatives in Gen^l Court
Assembled—

The Petition of Joseph Hasting late of Cambridge now of Reding humbly Sheweth—

That whereas yor poor Pet^r in y^e year 1690. was Impressed & sent out a souldier against the Indian enemy, & in a fight with the s^d enemy near to Exceter was wounded by a shot close by his eye, by w^{ch} wound he hath lost the sight of s^d eye although he has bin at Considerable Charge for preventing the same: the loss of which is, & is ever like to be, greatly Detrimentall to him in his employment for his outward subsistance: And whereas some few years since a Com^{tee} was appointed to Consider and take order for the relief of wounded Men; to w^{ch} Com^{tee} yor Pet^r did address himself and represent his Case, but through neglect of their entring his Name, he has received nothing—

Yor poor Pet^r Doth therefore humbly request of yor Excellency & this Honor^{ble} Court y^t you would please to take his Case into yor serious Consideration, that so such allowance may be order'd him as is usnall & Customary in like Cases, or as shall in yor Wisdomes be Judged most meet & equall which will greatly oblige yor poor Pet^r as in duty Bound ever to Pray &c.

JOSEPH HASTINGS." — *Mass.*

Archives, vol. 70, p. 404.

This petition was read, first, in the House, on the sixth of June. On the seventh it was read again, and the resolve which constitutes this chapter was passed and sent to the Council, for concurrence. On the twentieth of July it was concurred in, and consented to and signed by the Governor.

The order in Council* for the payment of this allowance was passed August 24, 1699.

Chap. 33. This chapter is from council records, vol. VII., p. 47. It is preserved in archives, vol. 70, p. 407.

For the circumstances of Holmes's death see the note to chapter 16, *ante*.

The following account of expenses attending Holmes's funeral having been presented to the House on the twentieth of July, the vote which constitutes this chapter was passed by both branches, and the Governor signified his consent by signing the memorandum which the Secretary appended to the vote at the foot of the bill:—

"To the Comisoners for war

Boston June y^e 15th 1699

By his Excellency the Lord Bellomont and Seuerall of the Couensell it was ordered that the funerall Charges of Nathanel Holmes Kild by the brakeing of a great gunn at the Castle upon Castle Island the 12: of June 1699: Should be bourne: by the publick Charge I haue therefore herein given you an Accott of the Charge thereof which is as follows

| | <i>ll</i> | <i>s</i> | <i>d</i> |
|---|-----------|----------|----------|
| for a plaine Corfin | | | 16 " |
| 32½ Gallons of wine att 3 ^s / P Gall | " 4 " | | 16 " |
| 2 barrels of Strong beer with the barls | " 1 " | | 8 " |
| 30 pair of mens Gloues at 18 ^d / P pr | " 2 " | | 5 " |
| 24 pair of Cullerd Ditto at 2 ^s / P pr | " 2 " | | 8 " |
| 12 pair Ditto att 3 ^s / P pr | " 1 " | | 16 " |
| 11 pair of black Ditto att 2 ^s / P pr | " 1 " | | 2 " |
| 2 pair of Small Ditto att 16 ^d / P pr | " " | | 2 " |
| 6½ yards of frizenero at 3 ^s / P yd | " " | | 18 " |
| | | | 8 " |
| <i>Suma Totall</i> | | | 15 " |
| | | | 13 " |
| | | | 8 " |

JOHN FFAYERWEATHER Cap^t." — *Mass.*

Archives, vol. 70, p. 407.

The order in Council† for the payment of this allowance was passed August 24, 1699.

* Executive Records of the Council, vol. 3, p. 52.

† *Ibid.*, p. 53.

Chap. 34. This chapter is from council records, vol. VII., p. 47. It has not been found in the archives.

Chap. 35. This chapter is from executive records of the council, vol. 3, p. 48. It has not been found in the archives.

"Third-Day, July, 25. 1699. . . . Council advis'd that the Governour give Mr. Mather some Authority relating to the College, pursuant to the Vote of the Representatives." — *Sewall's Diary*, vol. I., p. 500.

Chap. 38. This chapter is from archives, vol. 70, p. 441. It is recorded in council records, vol. VII., p. 63.

The petition upon which this resolve was founded is as follows: —

"To the Great & Honorable Gener^l Court sitting in Boston march the 13th day, 1700., The Humble petition of Joseph Benjamin, sheweth May it please the Honoured Court to Take notice of y^e afflicted state of me Joseph Benjamin, who was Born at Barnstable, within the province of y^e massachusetts Bay, And being a soldier under Captⁿ Goram. was Imprest into his majesty service some time in y^e month february about five years agoe to serve under Major March at penumaquid. And in the month August next following I was sorely wounded, on one of my hands, & y^e other Arm, by the Indian Enemy. And by Reason of y^e wounds then received I have been ever since disabled to Labour for my Living. And I being a married man & have a chargable family am incapassitated to provide for them as I shold. — Therefore I do Humbly beseech this Honoured Court to consider my condition. & to shew so much pitty to me, as to Grant me a constant pention (as hath been done to others in my Condition) or else to order some certain sum to be payd unto me out of y^e Country Treasury for my present releife which in so doing I hope your Justice & charity will Appear, & will greatly oblige him that is your humble servant (now afflicted) ever to pray.

JOSEPH BENJAMIN." — *Mass.*

Archives, vol. 70, p. 439.

This petition was read, a first time, in the House, on the fourteenth of March, 1699–1700. It was referred in regular course to the committee on petitions who, on the sixteenth, reported as follows: —

"In answer to the petition, the Comittee, is of opinion yt the petitionr (being settled out of y^e Province) be allowed out of the publique Treasury, of this province, the Sume of twelve pounds, in mony, provided he Clear the province of any further Charge, referring to those wounds inserted, in the within petio." — *Ibid.*, p. 440.

On the same day the resolve which constitutes this chapter was passed and sent to the Council, for concurrence. The Council voted a concurrence on the twenty-second.

The order in Council* for the payment of this allowance was passed April 8, 1700.

Chap. 39. This chapter is from council records, vol. VII., p. 63. It is preserved in archives, vol. 70, p. 436.

The petition upon which this resolve was founded is as follows: —

"To his Excellency Richard, Earle of Bellomont Captain Gen^l & Governour in chief of His Maj^y Province of the Massachusetts Bay in New-Engld and to the hon^{ble} Council & Assembly sitting in Boston March, 13. 1699/700 The Petition of Peter Legroove Wounded Souldier, humbly sheweth

That your poor Petitioner late Inhabitant in the Town of Wenham, was from thence impressed into His Maj^{ty} Service the 9th day of September 1697. and put under the Comand of Capt. Daniel Rindge, and at the Winnegance at the Eastward, was wounded in the Thigh, and was obliged to ly near three Moneths under the Chirurgeon's care, enduring the Pains that were necessary in order to his Cure. And when I was left by the Doctor, I was unable to labour for the earning of my Living; having no hope of ever being my own man again, as formerly; or of being able to doe any hard Labour.

Your poor Petitioner therefore humbly Prays that his deplorable Condition may be taken into Consideration and that his incurable Hurt may be somewhat eased by an Allowance of such Stipend for his Life as to your Goodness & Prudence shall seem meet

And your Petitioner as in Duty bound shall ever Pray &c

PETER LEGROOVE." — *Mass.*

Archives, vol. 70 p 435.

With his petition Legrove filed the following certificates from Doctor Bradstreet and Captain Rindge, respectively: —

"These may: signify to whome It may concern that Petor Lagroue was woundid In the Last Ingagement with the Indceans being undor the comand of Majr March his wound was a Large deep wound In his thigh with the Laceration: of the Nearues and muscles he has bein undor my care and dresing: for cure to the parfecting of the same from the time afor s^d to this Instant

Decembr 8th 1697

HUMPHRY BRADSTREET Chyrn." — *Ibid.*, p. 437.

"This may Sartyfy whome It Doth concerne that peter legroue: a Soulder under my comand In y^e expedison To y^e Estward at y^e weniganc: In y^e yere: 1697 y^e s^d peter Legroue: was wounded: y^e: 9th: day: of Septembr: 1697: the manor of his wound: & how long he lay lame the Docter hath signifide In his noat but for his Time and Smart he hath had nothing as yet Therfor macks his adres To your honors: for Relefe: he was prest from wenham: & listed under my comand for his magistis saruis: in: y^e yere about s^d: as atest:

Dated Ipswich: febrv: y^e 2: 1698

DANIELL RINDGE Capt." — *Ibid.*, p. 438.

* Executive Records of the Council, vol. 3, p. 109.

The petition was referred to the committee on petitions who reported as follows :—

"In answer to the within petition y^e Comitte are of Opinion y^t the petitioner be Allowed, out of the publiq; Treasury of this province, the sume of, Three pounds. p^{d} Annum for Three years Next Ensuing."—*Ibid.*, p. 436.

On the twentieth the resolve which constitutes this chapter was passed by the House, and concurred in by the Council on the twenty-second.

The order in Council for the payment of this pension is the general order, extracts from which are printed in the note to chapter 24, *ante*.

The province treasurer's accounts contain the following entry :—

"Paid Peter Legrove to y^e 13th March 1702/3 at w^{ch} time his Stipend ends . 3 " - " -"
—*Ibid.*, vol. 122, p. 166.

Chap. 40. This chapter is from council records, vol. VII., p. 64. It has not been found in the archives.

This motion was made evidently to ratify and give additional force to chapter 35, *ante*. Bellomont's authority to constitute and regulate corporations, in his capacity as the king's representative, seems to be therein recognized by the representatives, as it had been by the Council in the chapter above referred to. See the foot-note to that chapter.

Chap. 41. This chapter is from archives, vol. 48, p. 304. It is recorded in council records, vol. VII., p. 64. See resolves 1700-1, chapter 60, and note.

Chap. 42. This chapter is from archives, vol. 40, p. 632. It is recorded in council records, vol. VII., p. 64.

The order in Council* for the payment of this allowance was passed April 8, 1700.

Chap. 43. This chapter is from council records, vol. VII., p. 65. It has not been found in the archives.

The order in Council† for the payment of this allowance was passed April 8, 1700.

Chap. 44. This chapter is from council records, vol. VII., p. 65. It has not been found in the archives.

The order in Council‡ for the payment of this allowance was passed April 8, 1700.

Chap. 45. This chapter is from council records, vol. VII., p. 65. It has not been found in the archives.

This was White's first year of service as clerk, in which office he continued, by successive elections, for more than twenty years.

The order in Council‡ for the payment of this allowance was passed April 8, 1700.

Chap. 46. This chapter is from council records, vol. VII., p. 65. It has not been found in the archives.

Phipps was clerk of the House in 1692-3. This appears to have been the first allowance made to him for that service.

The order in Council‡ for the payment of this allowance was passed April 8, 1700.

Chap. 47. This chapter is from council records, vol. VII., p. 65. It has not been found in the archives.

The order in Council‡ for the payment of this allowance was passed April 8, 1700.

Chap. 48. This chapter is from council records, vol. VII., p. 66. It has not been found in the archives.

The order in Council‡ for the payment of this allowance was passed April 8, 1700.

Chap. 50. This chapter is from council records, vol. VII., p. 66. It is preserved in archives, vol. 121, p. 96.

The petition mentioned in this chapter is as follows :—

"To his Excelency the Gouvernor & Councell & Representatives in Generall Court at Boston this 13th. of march 1699.

the petition of the Inhabitants of the town of taunton, by thir select men Humbley sheweth, that whereas sum of our said Inhabitants did for many years past at thir own charge erect & buld a cart Bridge ouer taunton great Riuer, at the southerly Peart of sd town, for themselves and neighbours, which bridge proued of uery Great benifit & use not only to y^e town but cuntrey and was uery much used by both, and the Rhoad allso good, And after our Late coloney was diuided into covntys. our county of Bristol, upon sum speshall occasion see caus to appoint a duble Jurey to accomodate that matter; and that Jurey did then Lay out a cuntrey Rhoad ouer said Bridge and made Retvrn there of which was accepted & is now upon Record. but now said bridge is fallen down, to the great damage of the cuntrey as all trauilers well know, that traull that Rhoad, and allso to our town and espeshalley to the furist‡ bulders and those that suckseed them; it might allso bin Justly said that those that driue cattell shepe and hogs from our southeron parts to Boston are greatly hindred in thire imploy for want of said bridge; And the surcomstances of our town are now such, by Reson of the many other bridges mainteyned by us and other growing charges amongst us, that we canot Rebuild it, and the first bulders are sum dead and others haue not forgot the first cost, that thay canot do it, wee haueing breefely Laid before your honours our cas, and cuntreys want, with our chargable snrcum-

* Executive Records of the Council, vol. 3, p. 108.

† *Ibid.*, p. 109.

‡ *Sic*: first.

stanceys, Do humbly petition your honours for help, that the said Bridge may be built again by the prouince, it will be but a small thing for the prouince to do it, But it will be a great thing for the prouince & us allwayes to be without it, we humbly conceiue it is no new thing for the prouince to be helpfull upon such uery nesessary occasions, the bridge must be 140: foot Long, the cost may be about 150: 00: 0^d and so hoping your honours will Grant our, we hop Reasonable Request, we subscribe your honours most humble Petitioners and shall all ways be Ready to pray &c:

| | |
|-----------------|---|
| HENRY HODGES | } select men." — <i>Mass. Archives,</i> <i>vol. 121, p. 95.</i> |
| THOMAS GILBERT | |
| THOMAS HARUEY | |
| JOHN WHITE | |
| THOMAS WILLIAMS | |

This petition was read, first, in the House, on the nineteenth of March, 1699–1700, and referred to the committee on petitions, who reported as follows:—

"In Answer to the within petition, of the towne of Taunton, the Comitte Are of Opinion. yt a Comitte of three Indifferent men—be Chosen by this Court, to make Inquiry, whither the Bridge mentioned, be Deemed ncessessary, & of publique use, which if it appear to be soe. Then also to Considr the Benefit, the townes of free-towne, Tiverton Little Compton, & Dartmoth haue therèby, that if they are not otherwise burdened, with there owne Bridges, they may be ordered Respectiuey, to Contribute a Suitable, & Ecquitable, proportion towards ye Bulding, & maintaining ye sd Bridge—& the Charge of the Comitte be borne by e* petition^{rs}." — *Ibid.*, p. 96.

On the twentieth, this report having been read in the House, the following memorandum was appended to it:—

"Read: & Pass'd and That Capt Josiah Edson, Mr Joseph Kent, & Mr John Hunt be the persons appted & impowered for the Affair aforesd & to make Report to the next session of this Court." — *Ibid.*

A further memorandum was added by the Secretary, that on the twenty-third the vote had been read and concurred in by the Council.

The above memorandum was enlarged by the Secretary into the present chapter when he made up his record. The committee appointed were all members of the House—two from Bristol County, and one from Bridgewater.

An unsuccessful attempt to procure assistance from the province in the building of a bridge "with stone arches," at the same place, was made in the first session of 1697, in the following petition:—

"The humble petition of the Inhabatanes of Taunton to the great and generall Court assembled at Boston this 26—of may 1697 humbly shaweth —

That wharas for maney years past thar was built a Cart bridge ouer the great riuer of about .60. yards in laith by afew poore men of the southern end of ye towne. for them selves and for ye good of ye Contrey which sd bridg proued so vssfull to all in genarall and espesally to ye southern part of this County som hundred of Cattell yearly are drowef ouer for boston. and for traualrs sd bridg proud† vssfull. and so vssfull yt the Court at bristoll som years past sent out a Juarey Consisting of a great number of men som out of euerey towne in ye County to lay out bouth Contery and County wayes which Juarey laid out ways to and from sd bridg to pleimuth and to ye southern towns. which bridg is now fallen downe which will proue much to ye damag of ye generall as well as to ye towne and as for thes men which furst built sd bridg som are ded and ye remainer not able. doe humbly desir this great and generall Court to be helpfull and giue somthing Consederable towards ye rebulding of sd bridg if but two hundred pound and it shall be built with ston arches as spedely as ye sestion will giue leue the bridg will proue Chargable and our towne hane six other verrey consederable bridges to maintain. thar being no towne as we know or hear of is at half ye Charges yt our towne of Taunton is at about bridgs and heywayes so hoping what is abone but hinted at will be Consedered of and somthing Consederable done yt the bridg be rebuilt and maintaint. so we shall remain yours obledged to pray, and suberib as select men for and in the name of ye Inhabatanes of the Towne of Taunton —

Taunton May the 24: 1697

JAMES LEONARD
THO = WILLIAMS." — *Ibid.*, p. 89.

This petition came up for consideration at the third session, when the House passed the following vote, which does not appear to have been concurred in by the Council:—

"Octo 16. 1697. In the House of Representatives

Voted, That the Bridge be supported according to former Usage." — *Ibid.*

For the report of the committee appointed by this chapter, see resolves, 1700–1, chapter 50.

Chap. 51. This chapter is from council records, vol. VII., p. 67. It is preserved in archives, vol. 40, p. 612. See resolves, 1693–4, chapter 8, and note.

The following is the petition mentioned in the preamble to this chapter:—

"To His Excell^{ty} Rich^d Earle of Belloin^t Captain Gen^l & Govern^r in Chief in & over his Maj^{ty}s Provinces of the Massachusetts-Bay New-York New-Hampshire &c^s together with the Hon^{ble} the House of Representatives & Council for the Province of the Massachusetts-Bay in New-England mett in Gen^l Assembly — /

The Humble Petition of John Arnold To yr Excell^{ty} &c — /

Humbly Sheweth

That yor Petition^r (in the late Happy Revolucōn in the year 1689) being then Keeper of his Maj^{ty}s Goal for the County of Suffolk in Boston in the Prouinee aforesd To whose

* *Sic.*

† *Sic*: proved.

Custody by the Publick Authority of the s^d Province were comitted (the then Hon^{ble} Joseph Dudley Esq; Lieut Govern^r of s^d Province & Severall other Gentl^m of s^d Province) Prison^{rs} to the Co^mon Goal of s^d County: where the s^d Gentl^m were continued Prison^{rs} in Safe Custody for the Space of Thirty two weeks & upwards, untill by the Especiall ord^s & comands of his most Gracious Maj^{ty} King William the s^d Gentl^m were discharg^d & releas^d from their s^d imprisonm^t as attores^d: wthout any allowance to y^r Petition^r of any just fees or other reasonable charges y^r s^d Petition^r did Expend & disburse for Lodging Dyett & other necessary's during the time of the confinem^t of s^d Prison^{rs} as attores^d: And Whereas in the year 1692 Sundry & divers persons were by the Publick Authority of s^d Province comitted unto the Custody of y^r Petition^r as being Witches & possess^d wth that Diabolicall Sin of Witchcraft for wth s^d Crimes Severall of them were convicted & suffered condign punishment according to the Laws of the s^d Province in that case made & provided; for all w^{ch} s^d Prison^{rs} as also for many other poor & Decreped & disable perSons your s^d Petition^r hath been at an Extraordinary charge & Expence in mending repairing & Securing the s^d Co^mon Goal of s^d County as by Sundry Accounts now ready to be produced to this Hon^{ble} House reference thereto being had doth & may more ffully & at large appear; by reason of w^{ch} s^d Disburments & Expences, y^r s^d Petition^r hath greatly lessen^d & impar^d his Estate to the great impoverishing of y^r s^d Petition^r & his Family — / —

Wherefore y^r Petition^r Humbly implores this Hon^{ble} House to take this his Case into your most mature & Serious considerac^on: that So y^r Humble Petition^r may be reimburs^d the Severall Sums of money so disburs^d & Expended by y^r Petition^r as in & by the s^d account doth appear by Such ways & means as to your Excell^{cy} & c^a shall seem most convenient & meet & he will as in Duty bound For Ever pray &c^a." — *Mass. Archives, vol. 40, p. 611.*

Arnold's account was as follows:—

| | | D ^r | |
|--|---|----------------|-----------|
| "THE COUNTRY OR PROVINCE OF Y ^E MASSATHUSETTS | | | |
| To 2 Accompts given in to Mr Addington the one £41 - - - & the other £32 - - from the 27 th June 1689 to the 5 th of febr ^y following | | 73 | - - |
| 1689/90 Febr ^y 9 th | To Joseph Dudley' Imprisonm ^t 32 Weeks 3 Days from the 27 th June to y ^e 9 th of Febr ^y following | at 2/ 6 p W | 4 1 3 |
| | To Edward Randolph D ^o 32 Weeks 3 Days | at 2/ 6 | 4 1 3 |
| | To John West D ^o 32 Weeks 3 Days | at 2/ 6 | 4 1 3 |
| | To James Sherlock D ^o 32 Weeks 3 Days | at 2/ 6 | 4 1 3 |
| | To Archibald Hambleton D ^o 32 Weeks 3 Days | at 2/ 6 | 4 1 3 |
| | To George Farewell D ^o 32 Weeks 3 Days | at 2/ 6 | 4 1 3 |
| | To David Jameson D ^o 32 Weeks 3 Days | at 2/ 6 | 4 1 3 |
| | To John Jordan D ^o 32 Weeks 3 Days | at 2/ 6 | 4 1 3 |
| | To John Palmer D ^o 16 Weeks 1 1/2 Day | at 2/ 6 | 2 - 6 |
| | To Joshua Broadbent D ^o 15 Weeks | at 2/ 6 | 1 17 6 |
| | To Thomas Larking D ^o 18 Weeks from D ^o 27 th June to the 1 ^o Nov ^r following | at 2/ 6 | 2 5 - |
| | To W ^m Tomlin D ^o 26 Weeks from the 23 ^d of Aug ^r 89 to y ^e 1 ^o febr ^y following | at 2/ 6 | 3 5 - |
| | more Turning the Key | " - " 5 - | 3 10 - |
| | To David Shaccaran Indian D ^o Committed the 6 th Febr ^y 89/90 Continued to y ^e 23 ^d Insta ^t (and then broak stone prison—) being 2 Weeks 3 Days at 2/ 6 | " - " 6 - | " - " 5 - |
| | Turning the Key | " - " 5 - | - 11 - |
| | To Doctr Simon Indian D ^o Committed 10 th febr ^y 1689/90 and Discharged the 25 th D ^o is 2 Weeks | " - " 5 - | " - " 5 - |
| | Turning the Key | " - " 5 - | - 10 - |
| | To Thomas Pound D ^o from y ^e 5 th Febr ^y to the 27 th Mar ^r : following the Day of his Escape being 7 Weeks one Day at 2/ 6 | " - " 17 - | 10 |
| | To Samuel Watts D ^o | " - " 17 - | 10 |
| | To William Warren D ^o | " - " 17 - | 10 |
| | | | 2 13 6 |
| | To John Abimeleck Indian D ^o Comitted febr ^y 15 th Continued to the 9 th of March following then broake Gaole is 3 Weeks | " - " 7 - | 6 |
| | Turning the Key | " - " 5 - | - 12 6 |
| | To Rich ^d Griffith D ^o from the 5 th of febr ^y to the 1 ^o of April following 7 Weeks 5 days at 2/ 6 | | - 19 2 |
| | To Thomas Hawkins D ^o 9 Weeks 2 days from the 5 th of Febr ^y to the 10 th of April following that he broak prison at 2/ 6 | | 1 3 2 |
| | To Daniel Lander D ^o | | 1 3 2 |

| | | “The Countrey or Province of y ^e Massathusets | | Dr. |
|-------|----------------|--|--|--|
| 1690 | | To Sundry persons Imprisonment Vizt/ W ^m Dun 10 Weekes 4 Dayes from the 5 th of Feb ^y 89 to the 10 th of April foll | | 1 6 4 |
| | | Jn ^o Satterden D ^o | | 1 6 4 |
| | | Peleg Heath D ^o | | 1 6 4 |
| | | | | 3 19 - |
| | | To Negro Jack 4 Weeks Committed for mur- thering the Widdow Isabell Houldridge from the 4 th of April 90 to the 3 ^d of May foll ^g y ^t he dyed | | 10 - |
| | | ,, Turning the Key | | 5 - |
| | | This Accott given in the 9 th of Aug ^o 1690/ | | - 15 - |
| | | To funerall Charges on Negro Jack Vizt a Coffin 8/ Bearers & Drink 7/ | | 15 - |
| | | Digging the Graue | | 3 - |
| | | | | - 18 - |
| May | 3 ^d | To mending the Iron Barrs of the Goale where Hawkins broke out | | - 5 - |
| | 16 | To mending the Goale where Pounds Watts and Warren broake forth | | - 8 - |
| June | 4 | To Repairing the Wooden Goale w th plank Nayles &c ^a | | - 7 - |
| | | To 49 french prisoners of Warre Receiued into Custody the 30 th of May 90 & Delivered as foll: Vizt | | |
| | 10 | one Soldier to S ^r W ^m Phips Comitted 10 Weekes 11 Days | £ - 3 10 | |
| | 13 | Peter Bailey To Francis Allen of Roxbury was in | 2 W: 0 - | £ - 5 - |
| | | La Bailez To Jn ^o Greene of Malden | 2 W: 0 - | £ - 5 - |
| | 14 | Depree Mellyen Gramacar Laffranchise Peter King Frañ: Savage Torrentine & La Jeanness | To Jn ^o Alden 2 W: 1 D To Cap ^t Añd ^y Belchier 2 W: 1 D: To W ^m Stoughton Esq ^r 2 W: 1 D: | £ 1 1 4 £ - 10 8 £ - 10 8 |
| | 16 | Dn Oilers To W ^m Rouse | 2 W: 3 D: | £ - 6 - |
| | | Weeks-Days | | |
| | | Jean Qeson To Daniel Turell Jun ^r | | 2 - 3 - £ - 6 - |
| | | { Marebat Francway Brownet Lashonesh Lantamore Laroche | | To S ^r W ^m Phips . 2 - 4 £ 1 5 4 |
| | | Deloire To M ^r Shute | | |
| | | Lavalier To Cap ^t Lynd of Charles- town | | 2 - 4 £ - 6 4 |
| | | Boulanger To Arthur Mason | | 2 - 4 £ - 6 4 |
| | | Jacob Suttigan or Suttligean To W ^m Coleman | | 2 - 4 £ - 6 4 |
| | | { La ffortune La fontaine La Roche | | To Coll ^o Paige . 2 - 5 £ 1 - 3 |
| | | De Rochier To W ^m Keene | | |
| | | one Soldier To Ainos Marret | | 2 - 6 £ - 7 1 1 1 2 |
| | | 5 soldiers To Daniel Smith | | 2 - 6 £ 1 15 7 1 2 |
| | | Thomas Martin } To Tho: Davis of Elias Mathree } Milton | | 2 - 6 £ - 14 3 |
| | | one Soldier To Rich ^d Haven | | 3 - 0 £ - 7 6 |
| | | W ^m Marke To Samnel Bill | | 3 - 1 £ - 7 10 |
| | | Anth ^o Virnell To Jn ^o Word Senjr | | 3 - 1 £ - 7 10 |
| | | David Doffong } To Henry Mare | | 3 - 1 £ - 15 8 |
| | | Battist | | |
| | | Tasemin To Jn ^o Gordale of Dor- chestr | | 3 - 3 £ - 8 6 |
| | | Anth ^o Virneere To ffran ^z Wilson of Oobourn | | 3 - 3 £ - 8 6 |
| | | Le laus Dauphin To James Bird of Dorch ^r | | 3 - 4 £ - 8 10 |
| | | One To Jn ^o Wilson of Ipswich | | 3 - 5 £ - 9 3 |
| | | La floure due Moline To Laffleur | | 4 - 1 £ - 10 4 |
| July. | 8 | Oade Vailee To Nāth: Baker | 5 - 4 | £ - 14 2 |
| | 15 | Labree To James Tailor | 6 - 4 | £ - 16 5 |
| | 22 | Lewis Pean To Samuel Greene | 7 - 4 | £ - 19 11 |
| | | | | 16 17 11 |

| | | “The Countrey or Province of y ^e Massathusets | | Dr |
|------------------|----|--|---------|----|
| 1690 | | To Eleazer Buck Imprisonmt from the 5 th febr ^y : 1689 to the 30 th June following is 20 Weeks 5 Days at 2/ 6 | 2 11 8 | |
| | | To Doct ^r Tho: Story Imprisonmt from the 5 th febr ^y 89 to the 30 th June foll ^y is 20 Weeks 5 Days at 2/ 6 | 2 11 8 | |
| | | To Christopher Knightley Ditto | 2 11 8 | |
| | | To Sundry persons Imprisonmt Vizt/ Joseph Lawrence from the 29 th May 90 & p ^r ord ^r of Major Hutchinson dd ^d on board the Ship Six freinds June 30 th foll ^y is 4 Weeks 4 Days at 2/ 6 p ^r Weeke & turning the Key 5/ | 16 5 | |
| | | Edward Warren D ^o | 16 5 | |
| | | Patrick Hason D ^o | 16 5 | |
| | | Job Browne from the 6 st June to the 30 th pnt on board D ^e ship p ^r ord ^r is 3 Weekes 4 Days at 2/ 6 p ^r Weeke & turn: Key 5/ | 13 11 | |
| | | | 3 3 2 | |
| | | To Sundry others Imprisonmt Vizt/ Katherine Hartnan Comitted 5 th July Discharged the 20 th D ^o is 2 Weeks & turn: the Key 5/ | 10 - | |
| | | Indian Robin Committed 6 Jan ^y 89 Continued to the 1 ^o Aug ^o following and then dyed of the small pox, 29 Weeks 3 Days at 2/ 6 p ^r Weeke | £3 13 6 | |
| | | more funerall Charges | £- 10 - | |
| | | Doctors & people to Attend him | £- 05 - | |
| | | Turney* the Key | £- 5 - | |
| | | | 4 13 6 | |
| | | Jno De la forrest Comitted y ^e 5 th July 90 and Discharged y ^e 28 th is 3 Weeks one Day at 2/ 6 p ^r Week & turn: the Key 5/ | 12 10 | |
| | | Francisco a french prison ^r wch came from Canada taken at Oyster River Committed the 23 ^d March 89/90 Contin ^d to the 6 st of Aug ^o foll ^y dd S ^r W ^m Phips, is 19 Weeks 3 Days 2/ 6 | £2 8 6 | |
| | | Turning the Key | £- 5 - | |
| | | | 2 13 6 | |
| | | W ^m Coward Committed the 5 th of Febr ^y 89/90 Continued to the 1 ^o March following is 3 Weekes 3 Days at 2/ 6 | 8 6 | |
| | | | 8 18 4 | |
| | | To one Yeares Sallery from the 27 th of June 89 to the 27 th of June following | 20 - - | |
| | | This 2 ^d Accott given in to the Secretary the 9 th of Aug ^o 1690/ | | |
| | | To Sundry persons Imprisonmt Vizt/ John Rosse Committed 16 th of Aug ^o 1690 Discharged the 30 th is 2 Weeks one Day at 2/ 6 p ^r Weeke | £- 5 4 | |
| | | Turning the Key | £- 5 - | |
| | | | 10 4 | |
| | | The french frver Committed the 25 th D ^o Discharged the 28 th is 3 Days | £- 1 - | |
| | | Turning the Key | £- 5 - | |
| | | | 6 - | |
| | | Jonathan Wales Committed 27 th Ditto & Discharged the 30 th is 3 Days | £- 1 - | |
| | | Turning the Key | £- 5 - | |
| | | | 6 - | |
| | | Victor the French Sergeant rec ^d into Custody the 30 th May & Delivered the 10 th Novemb ^r foll ^y is 23 Weeks 3 Days at 2/ 6 p ^r Weeke | 2 18 7 | |
| | | 3 french Prison ^{rs} returnd from their Mast ^{rs} each being 2 months at 30/ | 3 - - | |
| | | | 7 - 11 | |
| Nov ^r | 13 | To making 3 Barrs for the Stone Goale | - 6 - | |
| | 24 | To making 3 Barrs more for Ditto | - 6 - | |
| | | To my Journey to the Eastward w th Major Hutchinson & Cap ^t Townsend | 2 - - | |
| | | To halfe a yeares Salary due to me from the 27 th of June 1690 to the 27 th of Dec ^r following | 10 - - | |
| | | To mending the Glass Windows of the prison house | - 12 - | |

| | | “The Countrey or Province of y ^e Massathnsets | | Dr |
|---------|-----------------|---|----------|--------|
| 1690/91 | | To the Widdow Gleison Imprisonm ^t from the 8 th of Decemb ^r 1690 to the 24 th of Janry following 6 Weeks 4 Dayes at 2/6 p ^r Weeke is | £- 16 4 | |
| | | Expences in burying her | £- 12 - | |
| | | one Cord of Wood | £- 10 - | |
| | | | | 1 18 4 |
| March | 23 ^d | To mending the Stone Goale where Bright broak out | - 10 - | |
| | | To my halfe Yeares Sallery from the 27 th of Decemb ^r 1690 to the 27 th June following | 10 - - | |
| | | This 3 ^d Acco ^t was given in to the Secretary Aug ^o 14 th 1691/ | | |
| 1691/2 | | | | |
| March | 9 | To Keeping Henry Warren 18 Dayes | - 11 - | |
| | | To 2 Chaines for Sarah Good & Sarah Ozburne | - 14 - | |
| | 14 | To keeping Lewis Hutchins 8 Weekes | 1 - - | |
| April | 5 | To 2 Blankets for Sarah Good; Child p ^r ord ^r of the Govern ^r & Council | - 16 - | |
| 1692 | | | | |
| | 29 | To 500 foot of Boards to mend the Goale and Prison house | £1 10 - | |
| | | 4 Locks for the Goale | £- 8 - | |
| | | 2 C of Nayles | £- 3 - | |
| | | Repairing the Prison house | £2 8 - | |
| | | | | 4 9 - |
| May | 10 | To 3 large Locks for the Goal | - 9 9 | |
| | 23 | To Shackles for 10 prison ^{rs} p ^r his Excell ^{ty} order | 2 5 - | |
| | 29 | To 1 p ^r of Irons for Mary ^z Cox | - 7 - | |
| | | To Keeping Sundry Prison ^{rs} Viz ^t / | | |
| | | Sarah Ozburne from the 7 th of March 1691/2 the time of her Committment to the 10 th of May 1692 when she Dyed is 9 Weeks 2 Dayes at 2/6 p ^r Weeke | 1 3 2½ | |
| | | Sarah Good from the 7 th of March 1691/2 to the 1 ^o of June following 12 Weekes & 2 Dayes when dd out at 2/6 p ^r | 1 10 8½ | |
| | | Rebeckah Nurse from y ^e 12 th of April 1692 when rec ^d into Custody to the 1 ^o of June foll ^o when dd out 7 Weekes 1 Day | - 17 6 | |
| | | John Willard from the 18 th of May to the 1 ^o of June foll ^o 14 Dayes at 2/6 p ^r W | - 5 - | |
| | | John Procter & Eliz ^a his Wife from the 12 th April to the 1 ^o of June is 7 Weekes one Day at 2/6 each p ^r Weeke | 1 15 8 | |
| | | Susannah Martin from the 2 ^d May to the 1 ^o of June 4 Weekes 2 Dayes | - 10 8 | |
| | | Bridget Bishop als Oliver from the 12 th of May to the 1 ^o of June 20 Dayes at 2/6 p ^r Weeke | - 7 2 | |
| | | Alice Parker from the 12 th May to the 1 ^o of June 20 Dayes | - 7 2 | |
| | | Tituba an Indian Woman from the 7 th of March 1691/2 to the 1 ^o of June — 12 Weekes 2 Dayes at 2/6 | 1 10 8 | |
| | | | | 8 7 9 |
| | | To Keeping Sundry Prisoners as followeth Viz ^t | | |
| | | Samuel Passanauton an Indian from the 28 th of April 1692 to the 27 th of June — 8 Weekes 4 Dayes at 2/6 p ^r Weeke | 1 1 5 | |
| | | George Burroughs from the 9 th of May to the 19 th of June when dd out is 5 Weekes 6 Dayes at 2/6 | - 14 8 | |
| | | George Jacobs from the 12 th of May to the 19 June 5 Weekes 3 Dayes at 2/6 | - 13 6 | |
| | | Charles ffrancoy from y ^e 12 th May to the 27 th of June 6 Weekes 4 Dayes at 2/6 | - 16 5 | |
| | | Roger Toothaker from the 18 th May to the 17 th June the time he Dyed 4 Weekes 2 Dayes at 2/6 | - 10 8 | |
| | | | | 3 16 8 |
| | | To Keeping | | |
| | | Martha Sparks from the 28 th of Octobr ^r 1691 to the 8 th of Decemb ^r 1692 — 58 Weekes at 2/6 p ^r W | - 7 5 - | |
| | | Martha Cory from the 12 th of April 92 to the 19 th of June following is 9 Weekes 5 Dayes at 2/6 | - 1 4 2 | |
| | | Sarah Cloise from y ^e 12 th of April, to the 19 th of June 9 W 5 Days at 2/6 | - 1 4 2 | |
| | | Jeane Duglas from the 22 ^d of April to the 6 st of Aug ^o is 15 Weekes one Day at 2/6 p ^r | - 1 17 6 | |
| | | Lydia Dasten from the 2 ^d of May to the 19 th June is 6 Weekes 6 Dayes at 2/6 | - 17 - | |

| “The Countrey or Province of y ^e Massathusets | | D ₂ |
|---|--------------|----------------|
| 1692 Dorcas Hoare from D ^o 2 ^d May to D ^o 19 th of June | “ “ 17 “ - | |
| ffrancis Lebarre & ffrancis Blang of Canada prison ^{rs} of Warre from the 3 ^d of May unto the 25 th of July 11 Weeks 6 Dayes at 5/ each p ^r Weeke | “ 5 “ 18 “ 2 | |
| Sarah Dasten Bethia Carter & Anne Scires from the 9 th of May to the 19 th of June is 5 Weekes & 6 Dayes at 2/ 6 each p ^r Weeke | “ 2 “ 3 “ 10 | |
| Anne Pudeter Gyles Cory & Sarah Wild from the 12 May to D ^o 19 th June 5 Weeks 3 Days at 2/ 6 each p ^r Weeke | “ 2 “ 6 “ - | |
| | | 23 12 10 |
| To Keeping | | |
| William Hobbs 30 Weekes 6 Dayes from the 12 th of May 1692 to the 14 th Decembr: following at 2/ 6 p ^r Week | “ 3 “ 17 “ - | |
| Elizabeth Hart from the 18 th of May to the 7 th of Decembr—29 Weekes at 2/ 6 | “ 3 “ 12 “ 6 | |
| Mary Easty 3 Weekes 6 Dayes from the 23 ^d May to the 19 th of June at 2/ 6 | “ “ 9 “ 6 | |
| Sarah Basset from Ditto 23 ^d May to the 3 ^d of Decembr following is 27 Weekes 5 Dayes at 2/ 6 p ^r | “ 3 “ 9 “ 2 | |
| Susannah Roots 3 Weekes 6 Dayes from D ^o 23 ^d May to the 19 th June at 2/ 6 | “ “ 9 “ 6 | |
| Mary Derrick from D ^o 23 ^d May to the 11 th of Septembr 15 Weekes 6 Dayes at 2/ 6 | 1 “ 19 “ 6 | |
| Benja ^s Proctor from D ^o 23 ^d May to the 30 th of Novembr foll ^g is 27 Weekes 2 Days | 3 “ 8 “ 2 | |
| Mary Cox 25 Weekes one Day from the 30 th of May to the 22 ^d Novembr at 2/ 6 | “ 3 “ 2 “ 10 | |
| 7 prison ^{rs} frenchmen Viz ^t W ^m Bonny Anthony Sally, John Thamm Rheene-Pree, David Labatt, Christopher ffrancis & Anthony Vernon from the 29 th of May to the 27 of June being 29 Dayes at 2/ 6 each p ^r Weeke | “ 3 “ 10 “ - | |
| Dorothy Good 34 Weekes 4 Dayes from the 12 th of April to the 10 th of Decembr: at 2/ 6 p ^r W | 4 “ 6 “ 4 | |
| Sarah Rice from the 31 st of May to the 2 ^d of Decembr 27 Weekes 4 Dayes at 2/ 6 | 3 “ 8 “ 10 | |
| Thomas ffarar 28 Weekes 2 Dayes from the 18 th of May to the 2 ^d Decembr at 2/ 6 | 3 “ 10 “ 8 | |
| William Dutton from the 5 th of July to the 17 th Decembr 23 Weekes 4 Days | 2 “ 18 “ 10 | |
| Abigail Soames 32 Weekes one Day from the 23 ^d May to the 3 ^d of Janry at 2/ 6 | 4 “ - “ 4 | |
| Sarah Murrel from the 2 ^d May to the 3 ^d of Janry 35 Weekes one Day at 2/ 6 | 4 “ 7 “ 10 | |
| | | 46 11 - |
| To Keeping | | |
| Mary a Negro Woman 33 Weekes 5 Dayes from the 12 th of May 1692 to the 3 ^d of Janry following at 2/ 6 p ^r Weeke | 4 “ 4 “ 2 | |
| John Morgan from the 31 st of Janry to the 8 th of Febry 9 Dayes 3sh fees 5sh | “ - “ 8 “ - | |
| | | 4 12 2 |
| To mending the Stone Goale where fleetwood & black Tom broke out | | |
| | | - 10 - |
| To Keeping Sundry french & Indian Prison ^{rs} Viz ^t / | | |
| One Indian Boy dd p ^r ord ^r to Capt Richard Short being one of the ffeene prisoners brought from the Eastward Comitted the 24 August 1692 & dd the 7 th Sept following is 14 Dayes at 2/ 6 p ^r Weeke | “ - “ 5 “ - | |
| One Indian Girle dd To Sr Robinson one of the 15 Comitted Ditto <i>Diem</i> & dd the 12 th of Sept is 19 Dayes at 2/ 6 p ^r Weeke | “ - “ 6 “ 8 | |
| Francis Lateril frenchman from the 4 th of feby 1692/3 to the 16 th D ^o 12 Days at 2/ 6 p ^r Week dd p ^r ord ^r to Mr Math Cary | “ - “ 4 “ 2 | |
| John Brittoone from D ^o 4 th Febry to y ^e 11 th of March 5 Weekes at 2/ 6 p ^r W dd p ^r ord ^r to Capt Smithson | “ - “ 12 “ 6 | |
| Peter Alber & James Lafavory from D ^o 4 th of Febry to D ^o 11 th March 5 Weekes at 2/ 6 each p ^r Week dd p ^r order to Mr Mathew Cary | “ 1 “ 05 “ - | |

| | The Countrey or Province of ye Massathusets | Dr. |
|--------------------------|---|---------------|
| 1692 | Cockerandus an Indian one of the 15 prison ^{rs} , from the 24 th of Aug ^o 1692 to the 11 th of March foll ^g 28 Weeks 3 Dayes at 2/ 6 p ^r W ^d p ^r ord ^r to M ^r Math: Cary | 3 11 - |
| | Charles S ^t Oben & Charles Laffoure & their family's being 10 of the 15 prison ^{rs} from D ^o 24 th of Aug ^o 8 Weekes each 2/ 6 p ^r W ^d | 10 - - |
| | To Keeping Cap ^t Rich ^d Short from the 4 th of Jan ^{ry} 1692/3 three Weeks at 8/ p ^r Weekes | 16 4 4 |
| | To 20 Cord of Wood Expended on Sundry p ^{ersons} Committed for Witchcraft in the Winter 1692 | 1 4 - |
| 1693 | To Keeping Elizabeth Emerson from the 3 ^d of May 1691 the time of her Commitm ^t unto May the 2 ^d 1693 being 104 Weeks at 2/ 6 p ^r Weekes | 8 - - |
| | To Ditto of Grace a Negro Woman from Jan ^{ry} 13 th 1692 unto D ^o May ye 2 ^d 1693 is 15 Weeks 4 Days at 2/ 6 | 13 - - |
| | To Keeping Mary Watkins from the 5 th of Decembr ^e 1692 to to* the 2 ^d of May following being 21 Weeks at 2/ 6 | 1 18 10 |
| | Susannah Davis from the 28 th of Jan ^{ry} 92/3 to D ^o 2 ^d of May foll ^g is 14 Weeks at 2/ 6 | 2 - - |
| | Timothy Batt from the 8 th of Feb ^{ry} 92/3 to D ^o 2 ^d of May is 12 Weeks at 2/ 6 | 1 15 - |
| | To Bedding Blankets & Clothes for Sundry poore Prison ^{rs} Com- mitted for Witchcraft by Order of the Govern ^{mt} | 1 10 - |
| | To my Sallery for one Yeare & Tenn months from the 27 th of Junie 1691 unto May the 2 ^d 1693 — | 5 17 6 |
| | | 16 - - |
| | | 36 13 4 |
| | | £415 13 10. |
| 1689/90 | Pr Cont: r | |
| Mar: 1 ^e | By W ^m Coward Releasment p ^r ord ^r of Gen ^{ll} Court | Cr 13 6 8 |
| | By Richard Griffith D ^o | 13 6 8 |
| | By George Mathews fine p ^r ye Treasurers Order | 2 - - |
| | By half a Yeares Sallery passed in a former Acco ^{tt} given in to the Secretary | 20 - - |
| | Carried to folio 5 | £48 13 4 † |
| 1689/90 | Brought from page 7 for Continuance By J ^{no} Saterden releasm ^t p ^r ord ^r of ye Gen ^{ll} Court | Cr 48 13 4 |
| | By William Dun Ditto | 13 6 8 |
| | By Peleg Heath Ditto | 13 6 8 |
| | By Cash rec ^d | 40 - - |
| | By Bills of Credit | |
| | Brought from page 17 for Continuance of By Bills of Credit 31-16-6 & 40-16-6 | Cr 128 13 4 † |
| Jan: 13 th 91 | By Cash rec ^d of M ^r Taylor Treasurer | 072 13 0 |
| Oct: 19 92. | | 120 - -." |

— *Ibid.*, p. 613.
For the report of the committee and the action of the General Court upon the foregoing account, see resolves, 1700-1, chapter 40, and note.

1700-1.

Chap. 1. This chapter is from council records, vol. VII., p. 71. It has not been found in the archives.

Chap. 4. This chapter is from council records, vol. VII., p. 82. It is preserved in archives, vol. 70, p. 472.
The following is the petition mentioned in this chapter:—

“The Humble Address of Thophilus Farrington of Lynn To The Hononrable Generall Assembly of The province of the Massachusetts Bay in New England. May 29th 1700
Your Humble Petitioner Takes The Boldness to present before your honours his shat-
tered condition That he might obtaine The pittty charity And Releife of The Assembly, by
Takeing Into consideration The circumstances thei^{re}of who In An expedition to Nova
Scotia In The Kings service vnder the comānd of S^t William Phips Generall And vnder

* *Sic.*
† This footing was carried forward on three successive pages.
‡ The sum total of this column (£128 13s. 4d.) was carried forward five successive pages.

The conduct of Cap^t Daniell King, In An expedition Against The French And Indian Enemy In The year 1690 The said Farrington Had one of his Eyes shott cleer out of his Head And part of his Skull Taken Away by The said shott which Hath soe dissabled him & disadvantaged him, that he And his family Are vnder suffering vnecomfortable circumstances to this Day, himselfe exerceised at Times with very sore paines In his head, And The cure of The wound not yet soe compleated But That splinters of The skull Bone Doe yet Att Times Issue out which proves very Irksome & Tedious: your Humble petitioner Gratefully Acknowledgeth what Releife hath Been Allready Granted, But It not Being sufficient to pay for The cure, And Being constrained to expend of his own estate for the effecting of the same Theirfore presents his Necessitous condition to This Honourable Assembly In order to The Obtaining farther Releife.

THEOPHILUS FARRINGTON." — *Mass.*

Archives, vol. 70, p. 472.

With this petition Farrington filed the following certificate: —

"Salem the 27th Novembr 1699.

These May Sertifie That Theophilus Farrington of The Towne of Linn Served as a Serge[ant under*] my Comand in an Expedition To Nova Scotia [or*] Le accada against The French and Indian Enemie in The year 1690/ in w^{ch} Expedition. he had one of his Eyes shott out of his head with part of his Skull Taken away by said shott/.

DANIEL KING Cap^t". — *Ibid*, p. 474.

The petition was read, first, in the House, May 31, 1700, and referred to the committee on petitions who reported as follows: —

"In answer to y^e Petition of Theophilus Farrington within mentioned, It is the opinion of the Comitte that there should be paid out of y^e Publick Treasury of the Province Senen pounds money to y^e Said Petitioner Towards his further releife and payment for his Cure." — *Ibid*, p. 473.

This report was read and "passed" in the House on the fourth of June and on the seventh it was concurred in by the Council. From a memorandum of these votes written upon the petition the Secretary constructed the present chapter.

The order in Council† for the payment of this allowance was passed July 16, 1700.

Chap. 6. This chapter is from council records, vol. VII., p. 84. It is preserved in archives, vol. 113, p. 240.

The following is the petition referred to in this chapter: —

"To his Excellency Rich^d Earle of Bellomont Capⁿ Gen^l and Govern^r in Cheife of his Maj^{ties} Province of the Massachusetts Bay, with the Hon^d Conneill and Representatives thereof now Assembled in Generall Court att Boston

The Petition of the Inhabitants of the Towne of Wrentham

Humbly Sheweth

That in the yeare 1696 The s^d Towne of Wrentham was assessed Twenty pounds as their proportion of and in a Tax then Granted to his Maj^{tie} by the Gen^l Court of this Province, w^{ch} Twenty pounds still remaines unpaid. That the said Towne by reason of the late warr and other distressing providences of God attending y^m have been and still are Labouring und^r many difficultyes w^{ch} have brought y^m very Low in so much as they are not able to pay the same, besides y^e loss which their ministr lately Sustained by fire hath added thereto by their Endeavours in assisting him to repaire his Loss —

Yor Petition^{rs} doe therefore humbly Pray that this high and hon^{ble} Court will please to Consider y^e premisses, by remitting unto y^e sd Towne the said Twenty Pounds.

And yor Petition^{rs} as in duty bound Shall ever pray &c

| | |
|----------------------------|--------------------------|
| JN ^o WARE | } Select men of sd Towne |
| ELEAZ ^r METCALF | |
| JONATHAN WIGHT | |

in behalf of y^e Inhabitants y^{of}." — *Mass.*

Archives, vol. 113, p. 240.

The date of the reception of this petition does not appear, but it was referred to the committee on petitions who reported as follows: —

"In answer to y^e Petition of y^e Town of Wrentham It is the opinion of y^e Comitte, Considering the Extream poverty of the place, as also y^e late loss of theire ministers house by fire which they are now actually with great difficulty rebuilding. That there be abated them Twelve pounds of y^e within mentioned Twenty pounds prayed for y^e abatement of." — *Ibid*.

The petition was read, first, in the House, on the sixth of June and a second time on the seventh, when the vote thereon mentioned in this chapter was passed and concurred in by the Council.

The order in Council‡ for the payment of this allowance was passed July 16, 1700.

Chap. 8. This chapter is from council records, vol. VII., p. 86. It is preserved in archives, vol. 70, p. 429.

The following is the petition mentioned in this chapter: —

"To his Excellency: Richard Earl of Bellomont: Cap^t Gen^l & Govⁿr in Chief &c: — And to y^e Honorable Councel. — And Representatives of his Maj^{ties} province of y^e Mattathusets Bay in New Eng^ld In gen^l Assembly convened.

The humble Address & request of y^e subscriber is. That yor Excellency & Hon^{rs} would vouchsafe so farr to open a favourable & charitable eye & hand, upon & toward my weak

* Manuscript mutilated.

† Executive Records of the Council, vol. 3, p. 136.

‡ *Ibid*, p. 137.

& low condition of person & purse by reason of y^e premises: As to grant unto me out of y^e province treasury what supply of mony y^{or} wisdom may Judge meet toward paying for my cure which amounteth to y^e sum of twelve pounds mony: beside my loss of time. Thus craving y^{or} pardon I subscribe my self S^{rs}

Almsbury March: 1st

Y^{or} Humble Serv^t & petition^r

An^o Domⁱ [1699-] 1700

JOHN HARVEY." — *Mass.*

Archives, vol. 70, p. 428.

With his petition Harvey filed the following certificate by Doctor Bradstreet: —

"These may signify to whome It may concern that John Haruy of Amsbury was woundid the formor war with 4 bad wounds one In his back one In his thigh 2 In his Leeg which were nery Large wounds of Long continuance and from thence a debilitation of those parts which Rendors them subject to Receiue a conflux of Humors and Impossthuation which hapned to the sd Haruy the Laste yere Large and with desparate symptoms complicated with a strong feanour In so much that we did not expect his Life who continued under my care and Administration 4 months with great dificalty I perfected a cure 1699/700 January 30

HUMPHREY BRADSTREET Chyrⁿ." — *Ibid.*

This petition appears to have been presented to the General Court at the second session of the previous year. It was read first in the House March 14, 1699-1700, and was probably then referred to a committee.

In the first session of this year the subject-matter of the petition came up for consideration in the House upon the following report of the committee: —

"In answer to y^e Petition within mentioned, notwithstanding the antiquity of the wound and the service in which it was sustained, yet Considering that the Petition^r hath not receiued any smart money, and his wound the last year past broke out afresh to y^e great hazard of his life, and to his great cost for y^e obtaining of so much of a Cure as is attained, as also his loss of time to gether with y^e great paines and afflictions by him therefrom undergone—

It is the opinion of the Committe, That there should be paid to y^e petition^r The sum of Twelne pounds out of the Publick Treasury for his said Petition^{rs} releife, and full satisfaction for his Cure." — *Ibid.*, p. 429.

On the sixth of June this report passed in the House and was sent to the Council, where on the tenth it was concurred in.

The order in Council* for the payment of this allowance was passed July 16, 1700.

Chap. 11. This chapter is from council records, vol. VII., p. 89. It is preserved in archives, vol. 70, p. 409.

The petition upon which this chapter was founded is as follows: —

"To His Excellency the Rt hon^{ble} Rich^d Earle of Bellomont Capⁿ Gen^l & Governour in cheife of his Maj^{ties} Province of the Massachusetts Bay &c, the hon^d Council & representatives, now assembled in Gen^l Court convened att Boston

The Petition of Samu^{el} Austin formerly of Wells Innhold^r butt now of Charlestowne —

Humbly Sheweth

That yor Petition^r in the first Warr with y^e Indians in the Easterne parts (now more then Twenty yeares since) had Quartered upon him many Sould^{rs}, and Expended a very Considerable part of his then Estate in makeing provision for their Entertainem^t, to y^e value of Eighty pounds as by his owne, and the then Committee of Wells Generall accompts herewith presented may appeare, for which he never rec^d one penny towards satisfaction from the publick, besides w^{ch} by reason of y^e Late-warr was driven away from his house and home to Charlestowne, where with his wife he hath continued for some time, who are now growne very aged, past their Labour and reduced to a very meane Low and necessitous condition haveing not wherewithall to afford them a subsistence.

Yor Poore petition^r Doth therefore humbly entreate that this high and hon^{ble} Court will please to take y^e premisses into Considerac^{on}, soe as to make such compensation to him towards the reimburseing him his afores^d disbursements and Support of himself and wife as to this hon^d Court shall seeme meete

And Yor Petition^r as in duty bound shall pray &c." — *Mass. Archives*, vol. 70, p. 409.

With this petition Austin filed the following certificate by the committee for war for the town of Wells in 1677: —

"Common Arrers ffor Souldiers Charges of the Late warre Granted and allowed by the Comitte of Millitia of wells from the first Begininge of the Late Indian warre vnto the first September 1677

| | |
|--|------------|
| To John wells | £ 07:18:07 |
| To william Sarpyeare | £:12:08:00 |
| To m ^r william Simonds | £:26:12:11 |
| Ensigne John Barratt | £:01:03:00 |
| To m ^r John Busse | £:19:17:06 |
| To Joseph & Beniamine Storrer: | £:44:07:06 |
| To John Cloyce | £:24:05:01 |
| To Abraham Tilton | £:07: |
| To william Ashley | £:09:05:10 |
| To merbate Littlefield | £:38:05:00 |
| To Robart Wacum | £:03:09:02 |
| To Joseph Crosse | £:33:01:07 |
| To william Hamonds for himselfe & Ja: Gough Estate | £:15:07:06 |
| To Jonathan Hamonds | £:01:03:03 |

* Executive Records of the Council, vol. 3, p. 137.

| | |
|---|----------------|
| To Francis Littlefield | £: 62: 06: 01 |
| To Leif ^t John Littlefield | £: 55: 10: 04 |
| Mr Samuell wheelwright | £: 48: 04: 11 |
| Samuell Austine | £: 83: 10: 02 |
| Mr Joseph Bowles | £: 90: 00: 04 |
| To Natt: Cloyce | £: 16: 03: 10 |
| mr Ezekell Knight | £: 05: 13: 04 |
| James Oare & Henry Browne | £: 05: 07: 05 |
| Thomas Dowty | £: 03: 02: 06 |
| Ezekell Knight Junior | £: 01: 13: 03 |
| Roger Gilburd | £: 02: 15: 00 |
| Emanuel Daus | £: 08: 04: 00 |
| Thomas Littlefield | £: 13: 03: 00 |
| Samuell Storrer | £ |
| Thomas Bastor | £: 04: 01: 05 |
| Jeremiah Storrer | £: 10: 00: 00 |
| Francis Backhouse | £: 08: 05: 00 |
| Thomas Conzins | £: 02: 00: 00 |
| Goody Harow | £: 04: 13: 00 |
| Israell Hardin | £: 10: 08: 07 |
| To George Pearson | £: 04: 05: 07½ |
| To Peter Cloyce | £: 07: 04: 08 |
| To John Barrat | £: 10: 02: 02 |
| To Abraham Collins | £: 08: 05: 00 |
| To Goody Mountigue | £: 06: 07: 00 |
| To peter Busse | £: 03: 07: 06 |
| To Nath Masters | £: 05: 06: 08 |
| To John Driscoe | £: 00: 05: 00 |
| Elisha Hooper | £: 00: 12: 06 |
| John Eldridge | £: 03: 12: 00 |
| Abraham Tillton | 4: 7: 8 |

Edmun Littelfld : 3^l: 0^s: 0^d
 Totall Sum is 719^l = 4^s = 2^d

719: 4: 2

SAM^{LL} WHEELWRIGHT:
 WILLIAM SYMONDS
 JOHN LITTLEFIELD."

—*Ibid.*, p. 410.

The foregoing petition and account appear to have been presented to the Assembly at the first session in 1699, when the House voted him an allowance of fifteen pounds, which vote, though signed by the Speaker on the sixteenth of June, does not appear to have been concurred in by the Council.

Upon the revival of the petition, this year, the vote which constitutes this chapter was passed by the House on the fourth of June, and concurred in by the Council on the twelfth.

The order in Council* for the payment of this allowance was passed July 11, 1700.

Chap. 14. This chapter is from council records, vol. VII, p. 92. It is preserved in archives, vol. 121, p. 102.

The resolve which constitutes this chapter was passed to change the apportionment of the expense of repairing this bridge, as fixed by the act to which it is printed as a note.

This resolve originated in the Council, where it was passed on the eleventh of June, 1700. It was concurred in by the House on the thirteenth. By its passage the expense of future repairs of the great bridge over Charles River was to be borne equally by the town of Cambridge and the county of Middlesex, — the act† passed on the eighteenth of July, 1699, having put the burden of these repairs upon the towns of Cambridge and Newton, — the former to pay two-thirds, and the latter one-third thereof. See resolves, 1694-5, chapter 3, and 1695-6, chapter 15, and notes.

Chap. 15. This chapter is from council records, vol. VII., p. 93. It has not been found in the archives. See chapters 43 and 52, *post*.

This address, which Quincy, in his History of Harvard University,‡ states "did not receive the concurrence of the House of Representatives," was certainly adopted by both branches and reached the Lords Commissioners for Trade and Plantations before the thirtieth of October, when they wrote to Bellomont a letter from which the following is an extract:—

"The Address of the General Assembly of the Massachusetts Bay to his Majesty, received with the first of those Letters, shall be laid before his Maty, with a Representation which We intend to prepare on the same matters. What has hindred us hitherto from doing it, is the want of a Draught of the Charter for Harvard Colledge, and such other informations, as We expected to receive from Sr Henry Ashurst, in pursuance of the Directions which your Lordship writes you had given him on that Subject: We have writ to Sr Henry Ashurst about it some while since, but have yet received no answer . . ." — *Mass. Archives*, vol. 20, p. 34.

The failure of the charter of 1699, by the refusal of Bellomont to consent to it for the reasons heretofore stated, was a disappointment which the Governor sincerely desired to

* Executive Records of the Council, vol. 3, p. 132.

† Province Laws, 1699-1700, chapter 11.

‡ Vol. I., p. 105.

retrieve by procuring from the crown a charter which would prove not unacceptable to the clergy of Massachusetts. In his opening speech this year, therefore, he expressed the opinion that "the settlement of the college will best be obtained . . . by addressing the king for his royal charter of privileges."

On the fourth of June the Council, in accordance with this recommendation by the Governor, passed the following resolve: —

"In Council. 4th Junij. 1700./.

Resolved That his Majesty be humbly Addressed by this Court with reference to the Encroachments & claim of the French to part of this his Majties Province and Territorys and right of Fishery upon the Coast of Accadie or Nova Scotia And that there may be a Settlement & adjustmt of the boundarys betwixt this his Majties Province and the French Territory, to prevent future troubles; and the right and priviledge of the English to the Fishery to be asserted.

And y^t Elisha Cooke Elisha Hutchinson & Sam^{ll} Sewall Esqrs with the Secretary be a Committee to joyne with a Committee of the House of Representatives (if they thinke fit to name any) to prepare the draught of an Address accordingly." — *Ibid.*, vol. 3, p. 394.

This resolve was immediately sent down to the House, for concurrence, which was effected on the same day, and the following resolve was passed in addition thereto: —

"And Resolved That Sam^{ll} Donnell Thomas Hinckley Esqrs Mr Sam^{ll} Spragne, Capt John Brown, and Capt John Burrill be a Comittee to join with the Comittee of the Council abovementioned." — *Ibid.*

After this action of the House had been communicated to the Council, the following proceedings took place: —

"June 11, 1700. Resolved by the Board That Application be made unto his Majesty by way of Address for the Settlement of the Colledge, and be inserted in the Same Address Agreed to be made about the encroachments of the French, and that the Committee be instructed Accordingly, And Ordered, That the Secretary Acquaint the Representatives therewith to have their Concurrence

The Secretary having Acquainted the Representatives with the above written Resolve of the Board, a Message was Afterwards Sent up from that House that they agreed to the Same." — *Council Records*, vol. VII., p. 87.

By the thirteenth, the draught of an address had been prepared, reported by the committee to the Council, "read, and left to further consideration," and on the fourteenth it was concurred in by the House, as shown by this chapter.

Chap. 18. This chapter is from council records, vol. VII., p. 93. It has not been found in the archives.

Chap. 22. This chapter is from council records, vol. VII., p. 99. It is preserved in archives, vol. 11, p. 147.

The petition mentioned in this chapter is as follows: —

"To his Excellency Rich^d Earle of Bellomont Capⁿ Gen^l and Comandr in Cheife of his Majties Province of the Massachusetts Bay in New England & to the Honrd Council and representatives thereof now assembled in Gen^l Court held att Boston

The Petition of Samuell Donell representative for and in behalf of the Towne of Yorke.
Humbly Sheweth

That the Inhabitants of said Towne by reason of the late Distressing Warr have been brought very low, and are still conflicting with many difficultyes, yett never the Less by the help of y^e Lord, they have obtained a minister among them to carry on the publick Worship of God (namely m^r Samuell Moody a worthy Young man) for whome they have been att a considerable charge in Building an house for the accomodation of himself and family, and not being able for the present to afford him such suteable maintenance as the circumstances of his Condiçon Calls for (y^e s^d Towne being only able to aford him thirty pounds for y^e present years salary)

Yor Petition^r in behalf of sd Towne doth therefore humbly entreat this high and hon^{ble} Court, to consider the premisses, by being pleased to ord^r unto their sd minister, out of y^e Publick Treasury such farther supply, as in yor wisdom shall seeme meete.

And yor Petition^r as in duty bound shall pray &c

SAMUELL DONNELL." — *Mass.*

Archives, vol. 11, p. 146.

This petition was read, first, in the House, on the sixth of June when it was referred to the committee on petitions who reported as follows: —

"In answer to y^e Petition within mentioned. — It is the opinion of y^e Comittee. That there* paid out of y^e Publick Treasury Ten pounds for y^e help of y^e s^d Town of Yorke, for and towards the support of the ministry of said Town for y^e year ensuing." — *Ibid.*, p. 147.

Upon this report the following memoranda were made, from which the Secretary constructed the present chapter: —

"House of Representatives June 14. 1700 Read and Pass'd
sent up for Concurrence JOHN LEVERETT Speaker
In Council, June 17th 1700.
Read and past a Concurrence ISA ADDINGTON Sec^y." — *Ibid.*

The order in Council† for the payment of this allowance was passed May 30, 1701.

* *Sic.*

† Executive Records of the Council, vol. 3, p. 208.

The following item appears in the province treasurer's account from May 27, 1702, to May 26, 1703: —

“Paid Mr Samuel Moodey minister at York being a frontier towards his support allowed by y^e Court 10 “ — “ —.”
— *Ibid.*, vol. 122, p. 167.

Chap. 23. This chapter is from council records, vol. VII., p. 99. It is preserved in archives, vol. 121, p. 101.

The representation mentioned in this chapter was as follows: —

“To his Excell Richard Earle of Bellomont Cap^t Gen^l & Govern^r in & over his Maj^{ty}s Province of y^e Massachs^{ts} Bay & to the Hon^{orable} Counsell & Rep^{re}ntaives in Gen^l Corte Assembled This 29 May 1700

Wee the Subscribers being verry senceable of the inconveniencys that may happen in as much as the stated Rhode to Conitticot Especially Betwixt Wooster & Brookfeild is verry much incumbered with Trees fallen & many Rocky swamps & other impassable obstructions to Travellers drovers & others & Hazzerding life or Limb of both men & Horses & other Creatures to great Losses & damages Humbly propose That there bee a Suteable allowances Granted to repaire & amend sd Rhode at Least to the Sum of pounds out of y^e Publique Treasurie of this Province which we Humbly Leave to consideration & Subscribe yor Hono^rs Humble Serv^{ts}

JOHN PYNCHON
SAMLL PARTRIGG
JOHN CLARKE
ISAAC PHELPS
DANIELL MARSH.” — *Mass.*

Archives, vol. 121, p. 101.

The vote which is incorporated in this chapter was passed in the House on the thirteenth of June and concurred in by the Council on the seventeenth.

The order in Council* for the payment of this allowance was passed August 1, 1700.

Chap. 26. This chapter is from council records, vol. VII., p. 103. It has not been found in the archives.

The following is the petition referred to in this chapter: —

“To his Excy Richard Earl of Bellomont Captain General and Governour in chief in & over his Maj^{ty}s Province of the Massachusetts Bay in New England and to the Hon^{ble} Council and Representatives of the sd Province convened in General Assembly May 29th 1700

The Petition of Samuel Gill of Salisbury —

Humbly Sheweth

That about three yeares since your Petitioners son named Samuel Gill was taken Captive by the Indians and carried Captive to Canada, where he hath ever since remained in the hands of y^e Indians

And that, besides your Petitioners son before named there are several other English Captives at Canada afores^d in the hands of the French and Indians, which Captives were taken in the Towns of Haverhill, Ainsbury & other places within the Province aboves^d and all or most of them are destitute of Father, Mother or other Friends able to procure their redemption whereby they are likely to be kept forever from their Native Countrey & Friends, and to be deprived of the means of being instructed in the true Protestant Religion

Wherefore your Petitioner as well in behalfe of his sd son as of all others that are Captives with the French or Indians humbly prayes this Hon^{ble} Court to take the premisses into Consideration, and to take such measures and grant such assistance as may be effectual for the obtaining the liberty & redemption of all such Captives as afores^d/

And your Petr^r shall ever pray &c.

SAMVEL GILL.” — *Mass.*

Archives, vol. 70, p. 469.

This petition was read, first, in the House, on the sixth of June. It was probably committed, reported upon, and passed, in the usual course, but owing to the loss of the House Journals the only record left of subsequent legislative action is that of the vote of concurrence by the Council, on the twentieth.

Among the English captives whose redemption was asked for under this chapter are those who are mentioned in the following petition and list of names, remaining in the archives, which undoubtedly were communicated to the commissioners who treated with the Indians at Casco Bay in June, 1701: —

“hauerhill datt: Apriell the 17. 1701

to the Right honourabl the leftant gouerner And councel of the mattachucits bay in new England

the humble petition of the subscriber to your honouers is that wheras it hath pleased your honouers to pase an act for the Redeeming of poor captiues or to Recouer them from the hand of french or Indins

we would bedg your honouers to put the sd act in execution as speedly as may be: we haue sent by the barer heerof an account of our captiues:: And if your honouers shall comply herin it will verry much oblidg your humble petitioners —

ONESEPHERUS MASH
STEPHEN DOW
SARAH HAINES widow
ABRAHAM WHITTICER.” — *Ibid.*,

p. 523.

* Executive Records of the Council, vol. 3, p. 144.

“hauerhill datt: Apriel 17: 1701 —

the names of the captiues that were taken by the indins from hauerhill: with the time of their being taken: and agge when taken of such as ar yet wanting:
 daniel bradly taken march: 15: 1697: agged senen yeres —
 Jonathan: and Joseph hains taken August 15 1696: Jonathan agged twelue and Joseph seuen yer
 Abigall Kimball taken march 15: 1697 agged eight yers
 Abraham whitticer taken August: 1697 agged 8 or nine yeres
 philip Cod taken march 15: 1697: agged about six yeres.” — *Ibid.*, p. 522.

Chap. 28. This chapter is from council records, vol. VII., p. 107. It is preserved in archives, vol. 70, p. 462.

John Baker, for whose relief this vote was passed, seems to have applied first by petition as early as May, 1699, to Bellomont when the latter was at Rehoboth on his way to Rhode Island. To make sure that his application was regular, or, if not, to have it corrected, Baker addressed the following letter to Major James Converse: —

“May the 29 1699

Mager conuis my kind Lone to you with my wife hoping to god that you are in good helth Thee case of my writing is to you to know of you what what* Im to due my brother John polley hath sent mee a Letter but I saw it not but I due understang that it is to git the men sworn that was out with mee in the seruic when I was wounded by the ingins at the swamp fite mager conuis sur if I may be so bould as to request so much at youer hands if it must be that these men must be sworn by a magerstrat; willam pearce John kindel John cutler zaeraiah Snow Elias totmon John polley I would intreat you for to due mee that kindnes if you can if not I pray you for to git brother John polley for to due it for me ther is a riting that I Sent down by my wife which came from Rode Iland to you if it is not done as it should be pray send it op to mee that it may bee recti-fyed as you may send us word I would a come dow myselfe bub my arme hath rone this yeare and I can not git no cure for it & there for I am lame and weake and cant come
 So I rest youer frend to command

JOH BAKER

This for Mager conuis Liuing in Oborn deliuer it with care I pray.” — *Mass. Archives*, vol. 70, p. 463.

Probably under the advice of Converse to reënforce this application and to corroborate his own declarations therein, he wrote again to Converse enclosing certificates of two physicians to be used before the General Court in the second session of 1699, as follows: —

“To the Noble hardy and Well beloued Majer James Convers:

S^r as I haue made bold with you time past to acte and doe for me, as conserning my wound. which haue bene greuious painefull and chargable to me: these are to informe you how it hath bene with me of Late, I presented a petion to his Lordship at rehoboth: when he went to the Island and he gaue it to m^r Isaac adington: and charged him to Keep it: and ordred me to com down to boston to him: which accordingly I did: but his Lordship was so bad with the gout that I could not come to spake with him: which Jurney was greatly to my Damige in respect of my wound: which is the reason that I cannot com Down now: but haue bene vnder the chirurgions hands euer sence Last September and hauing som hoops of a cure: S^r these are to request yt fanieur of you that you would shew my condition to the great and generall Court theare assembled at boston now This march: hoping that you will haue compassion on me in my pore Low condition: the chirurgion hathe sent an accoumpt vnder his hand; so craning your assistanee I rest your humble seruant in what I may

Swanzey this 6 day of march 1699/700

JOHN BAKER.” — *Ibid.*,

p. 464.

“This may certifei y^t 3 years agoe I cured the arme of John Baker now in Swanzey which now is badd againe and a very great sore hauing 3 holes w^{ch} is constantly running and very vneaple of labor an questionable whether he can be his own man any more

Swanzey y^e 7th of March 1699 or 700

THOMAS ESTABROOKE.” — *Ibid.*,

p. 465.

“Swansey the 7th of march 1699/700

These may sertifie any whome it may Concern that I tooek Joh Bakers Arm in hand abute the 27th day of September Last which said bakers was wounded in swamp fight at naraganset and His Arm when I tooek it to Cure at the time Aforesaid was Hollow from the shoulder to the Elboe the Boane ffont the arm had five holes in it aboue and vnder his Armpit Alwayes runing now it is Almost fild vp with flesh and there are now but three holes in it and I am in som hopes that I shall heal it vp But Question whether ever hee will Bee A sound man any more no more But rest yours to serve in what I am Able

EDWARD PRATT Chururgion.” — *Ibid.*, p. 466.

These efforts having proved fruitless he presented to the next General Court the following petition mentioned in this chapter: —

“To his Exilencey Richard Earle of Belamont, Capⁿ Gen^l, Gov^r in Chiefe in and over his Maj^{ty} provinces of the Massatusets Bay New York, New Hamsheir: &c.c:

The Hon^{le} Council, and hous of Representatives, assembled in Gen^l Court, Boston May y^e 29th 1700, — in y^e twelfth Yeare of his Maj^{ty} Reigne,

The petetion of John Baker of Swanzey in the County of Bristol in y^e province of the Massatusets Bay,

* Humbley Sheweth,

That Your petetion^r was borne at Cambridge, and brought vp at Woobourne, where I liued till I was A man, and in the former warr with y^e Indians I was Impressed into y^e County service against s^d Indians, I was sorely Wounded in A fight at Naraganset at

ye fort, my arme being broak by a shott, and ye shott went thro^u pt of my body below my sholder, I was sent to Road Island, to ye docters, when I was Able, my father fetched me Hom, gott so much of A cure as I learned ye trade of A weaner, wrought hard, earned money, bought a bitt of land, built a small hous, — but now and then my arme would break out, — I sold what I had at Woobourne & Remoned to Swanzey, from whence I was Impress^d againe by Cap^{tn} Browne, now in this late warr with ye Indians, Eastw^d being late in ye yeare and Cold, I got cold in my old wound, it swell^d exceedingly, I vnderwent more paine then at first, It broak out with many holes thro^u my arme, I haue been vnder ye hand of severall docters, and am got much into their debts, severall holes thro^u my arme to this day, never like to be my own man, & I haue spent all I haue in ye world, my father dead, my mother a poore widow, I haue nothing to help my selfe withall, I never had anything of the Contrey but fife pounds towards paying ye docter &c while I was at Road Island, they would allow no more because my father fetched me away before I was well, — and now I lye lyable to be thrown into Goal by ye docters. &c

My prayer to Your Exelency and this high and Hon^{le} Court, is, y^t you would pleas to take order y^t my docters (whose acc^{ts} are in Court) may be pay^d out of the publick tresurey of this province, and A small pention Allowed me Annually, I being disabled to work at my trade, and haue a great famaly to maintaine, and many skilfull do think this wound will be my death at last, — and what I pray for is not like to continue long, — so hoping for A mercifull answer, I shall wright no more at present, but as in duty bound continue to pray &c.

p. 461.

JOHN BAKER." — *Ibid.*,

To aid Baker in this last application Converse addressed the following letters to his Excellency and to Mr. Speaker Leverett: —

"To his Exilency, Richard Earle of Belamont, Cap^{tn} Gen^l Gov^r in Chiefe in and over his Maj^{ty}s provinces of the Massatusets Bay New-York, New-Hampshire &c:

May it pleas Your Exelency,

This bearer, viz: John Baker is a poore Wounded soldier. he hath spent all he hath, Is thought, not to be worth A Groat, by Reason of his Wound y^t he Rec^d in his Maj^{ty}s service, he preferred A petetion to Your L^dship at Rehoboth, aboue a Year a gon, which was delivered to Mr Secretary Addington, with Your L^dships promis y^t som thing should be done for him, but ye poore man was so bad of his Wound he was not able to wait at Court & so nothing is yet done for him, som of his papers are Lodged with ye Clerk of ye Hon^{le} hons of Representatives, his petetion setts forth his Case in part, I shall therefore Omitt ye Repetetion thereof,

ye subscriber Humbley prays in ye behalfe of this poor man y^t Your L^dship would be pleased to Comand, y^t his papers be looked vp, and considered in ord^r to his Reliefe

My Lord, I am Your Exilencys

very Humble Serv^t

Woobourne, June (17th) (1700)

JAM^s CONVERSE." — *Ibid.*,

p. 468.

"Woobourne, June 17th 1700

Mr Speaker

Hon^d Sr I cannot get off from ye Old theam, Hear is A poar Wounded Soldier, who had A trade & hous and land, and wherewith to liue Comfortabley but hath spent all, and more, by Reason of A Wound he Rec^d in his Maj^{ty}s service, he preffer^d A petetⁿ to his Exilency ye Gov^r for Reliefe, which Is lodged with ye seccitory, I beseech Your Hon^r take A little care for ye pore man, I Know you loue a soldier too well to see him Wronged, where it is in Your power to help, If Your selfe or any, desire to speak with me, about ye Matter, I will wait vpon You on thirsday next,

I would not trouble Your Hour with needless lines, but am yours and the houses humble Serv^t, —

JAM^s CONVERSE." — *Ibid.*,

p. 467.

These appeals had the desired effect. On the twentieth the petition was read in the House and committed, and on the next day the committee reported as follows: —

"In answer to ye Petition within mentioned, It is ye opinion of the Com^{itte}, that there be paid to ye petition^r for his p^{sent} Releife Ten pounds out of the Treasury of the Province and for ye future a pension of four pounds p^r annum, Till this Court Shall see Cause to order otherwise." — *Ibid.*, *p. 462.*

On the twenty-first the recommendations of the committee were adopted by the House and the Council concurred therein on the twenty-second.

The order in Council* for the payment of this allowance was passed July 16, 1700; but owing to the loss of the province treasurer's accounts covering that period no evidence of the payment of the allowance for present relief has been found. One payment of the annual pension of four pounds appears in the province treasurer's accounts† from May 27, 1702, to May 26, 1703.

Chap. 31. This chapter is from council records, vol. VII., p. 109. It is preserved in archives, vol. 101, p. 165.

The following is the petition referred to in this chapter: —

"To his Ex^{cy} Richard Earle of Bellomont Captain General and Governour in chief of his Mat^{ys} Province of the Massachusetts Bay &c. and to ye Hon^{ble} the Council and Representatives of the said Province convened in General Assembly June 1699.

The Petition of Margery Williams Relict of Robert Williams late of Boston de^{ced}d

Humbly sheweth

That the General Court of the late Colony of the Massachusetts held at Boston in May 1691 ordered the payment of Eight pounds in Countrey pay unto your Pet^{rs} s^d husband Robert Williams for his (then) last years service for the Countrey. Which s^d sum

* Executive Records of the Council, vol. 3, p. 136.

† Mass. Archives, vol. 122, p. 166.

or any part thereof hath not been paid to your Pet^rs s^d husband in his life time nor to any other person on his behalfe either before his death or since.

Your Pet^r therefore humbly prays yo^r Ex^cy and this hon^{ble} Court to give order that the s^d sum^m of Eight pounds may be paid unto your Pet^r.

And your Petitioner as in duty bound shall ever pray &c." — *Mass. Archives*, vol. 101, p. 164.

With her petition the widow filed the following attested copy of the order of the colonial legislature: —

"Ordered, That m^r Treasurer pay Robert Williams Eight pounds in Country pay for his last year's Service for the Country. —

By Order of the General Court.

Boston. May. 26th 1691/.

Att^r. Is^a ADDINGTON Sec^y." — *Ibid.*, p. 166.

This petition was read a first time, in the House, on the fifteenth of June, and again on the nineteenth, when it was referred to the committee on petitions who reported as follows: —

"In answer to the Petition within mentioned. It is the opinion of the Co^mitte that there be paid to y^e petitioner six pounds money out of the Publick Treasury of this Province in full Satisfaction" — *Ibid.*, p. 165.

Upon this report the following memoranda were made: —

"In the House of Representatives June 21st

Read & Pass'd sent up for Concurrence.

JOHN LEVERETT Speaker

In Council. June. 24th 1700. Read and past a Concurrence

Is^a ADDINGTON Sec^y." — *Ibid.*

From these memoranda the Secretary constructed the present chapter.

The order in Council* for the payment of this allowance was passed July 16, 1700.

Chap. 34. This chapter is from council records, vol. VII., p. 117. It is preserved in archives, vol. 11, p. 151.

The Huguenot Congregation in Boston had, from the first, been encouraged and assisted, not only by private contributions, but by the government. The first application by them for public aid that has been discovered is the following petition presented to Andros, October 25, 1687: —

"To his Excell^{cie} St Edmund Andros K^{nt} Captⁿ Gener^{ll} and Governour in Chieff of his Maj^{ties} Territorys and Dominion of New England in America

The humble Petition of the french Congregation humbly Sheweth —

That wee yo^r Petitioners being very poor and not well able to maintaine our Minister and now destitute of any place to to^t p^{er}form pulique Service on the Lords Day (and much desirous of the same) Do humbly Crave that yo^r Excell^{cie} would be pleased to grant yo^r petitioners Leave to meet on the Sabbath daye to exercise our duties in the Lattin Schoolhouse

And yo^r Petition^{rs} as in Duty bound shall ever pray for yo^r Excell^{cies} health and prosperity." — *Mass. Archives*, vol. 11, p. 42.

Upon this petition the following order was passed: —

"Nov. 21, 1687. Liberty is granted to the French Congregation to meete in the Latine Schoolhouse att Boston as desired." — *Executive Records of the Council*, vol. 2, p. 155.

In his opening speech to the Assembly this year Governor Bellomont made the following recommendation: —

"May 30, 1700. . . . I am told, many of Your Ministers in the remote parts of the province, have very Narrow Stipends, not enough to Maintain them Decently, 'tis reasonable you should make them easie, With them I recomend to Your Care the French Minister of this Town, who is Destitute of a Maintainance, because there are So very few families here, Let the present raging persecution of the French protestants in France stir up your Zeal, and Compassion towards him. I wish for your Sakes the French protestants had been encouraged among you, they are a good Sort of people, very ingenious, and industrious, and would have been of great use for peopling this Country and enriching it by trade. . . ." — *Council Records*, vol. VII., p. 74.

Thus enconraged, the elders of the congregation of Huguenots in Boston presented to the Legislature the following petition: —

"To his Excelley Richard Earl of Bellomont Captⁿ Genr^l & Govern^r-in chief of his Maj^{ties} Provinces of the Massachusetts Bay, New-York &c & Vice Admir^l of those Seas; y^e Hon^{ble} Council & worthy Gentlemen of y^e Assembly of Representatives now sitting in Boston

The humble Petition of the french Protestants In Boston —

Yor humble Petition^{rs} take leave to signifie to you, that many of their flock being already gone away, viz^t Bernon, Tourtelot, Dr Basset, Mariette & others being about to leave them, viz^t Bernard, Grignon, Bureau, Barbut, Chabot, who contributed much for y^e Substantance of their minister, y^e few that remain not being capable of furnishing the one half that is necessary for his maintenance, they must undergo the unhappyness of being deprived of y^e consolations of the holy ministry of y^e word of God, (whereof the unheard of cruelty of y^e persecutors of y^e church had depriv'd them in their own Countrey) unless they may obtain yo^r christian Assistance; And seing or great K^g Willm, wth all England as also y^e Dutch, y^e Duke of Brandenburg & all other protestant States, have alwaies maintained a great multitude of y^e French Protestants & their ministers,

* Executive Records of the Council, vol. 3, p. 136.

† *Sic.*

they hope that you will likewise shew y^e same spirit of holy charity. Considering also that yor humble Petitts have born great charges, in paying Taxes for y^e Poor of y^e countrey, & in maintaining their own poor of this Town & those of New-Oxford, who by occasion of the War withdrew them-selves, & since that they have Assisted many who returned to Oxford in order to their resettlement, Yor humble Petitts have recourse to this Hon^{ble} Assembly which God hass establish'd for y^e Suecour of y^e afflicted, especially y^e faithfull that are Strangers, that we may obtain yor reliefs for y^e subsisting of or ministers, where of there is so much need. By Answering the Request of yor humble Petitts you will more & more oblige them to put up hearty prayers to God for yo^{rs} & the whole Countrey's Prosperity.

JN^O RAWLINGS } Elders for a[ll*]
 PETER CHARDON } the ffrench Congre-
 RENÉ GRIGNON } gation." — *Mass.*

Archives, vol. 11, p. 150.

This petition was introduced, first, in the Council, where it was read on the twenty-first of June and an order passed that it "be sent down to the representatives with a recommendation from the Board." On the same day it was read in the House and referred to the committee on petitions, who reported as follows: —

"In answer to y^e Petition within mentioned. It is the opinion of the Comitte. That for there Encouragement as Strangers & for y^e Carrying on the Publick Worship of God amongst yem there be paid unto there minister Twelve pounds out of the Publick Treasury." — *Ibid.*, p. 151.

This report was read and passed in the House on the twenty-ninth and sent to the Council, where it was concurred in.

The order in Council† for the payment of this allowance was passed July 16, 1700.

Chap. 36. This chapter is from archives, vol. 101, p. 167. It is recorded in council records, vol. VII., p. 120. See resolves, 1699-1700, chapter 21, and note.

This resolve was passed by both branches and consented to by the Governor on the second of July.

The order in Council† for the payment of this allowance was passed July 16, 1700.

Chap. 39. This chapter is from archives, vol. 106, p. 474. It is recorded in council records, vol. VII., p. 123.

This resolve was passed by both branches and consented to by the Governor on the fifth of July.

The order in Council† for the payment of this allowance was passed July 16, 1700.

Chap. 40. This chapter is from council records, vol. VII., p. 125. It is preserved in archives, vol. 40, p. 628.

For the appointment of the committee mentioned in this chapter, and for Arnold's accounts, see resolves, 1699-1700, chapter 51, and note.

The following is the report of the committee: —

"Boston June 27th 1700

Wee the Subscribers. being a Committee appoynted by the great & General Court at their Session the 13th March 1699/700 to Examin & Audit the acco^{ts}. of Jn^O Arnold Prison keeper in Boston & to make a Report vnto the General Assembly

In Obedience to said Order we haue carefully Examined said acco^{ts}. & find that at two shillings & Six pence ꝑ weeke, there is due to said Arnold the Summe of thirty eight pounds eleven shillings Sixpence for the keeping the Prisoners. committed at the time of the Revolution, w^{ch} Summe he saith hath not been yet allowed him; & by Ord^r was to release S^d Prisoners. wth out Saying they paying ffes So that he could not detain them for there diett amounting as aforesaid, he is ready to give his oath if required that he was never paid, the two shillings Six pence ꝑ weeke for their dyet neither by them nor the Publick —

Wee alsoe find that in his acco^t presented to the Hon^{ble} Assembly in Novr 28th 1693 amounting to 150^{li} The court see cause to Ord^r that he should have but 120^{li} & that it should be in full, w^{ch} Summe he saith his necessity was Such that he was forced to take that money; he Saith the only reason of the abatem^t of the 30^{li} was vpon the acco^t of the prisoners Sent from Salem that could not be kept there Boston being then a Prison for the whole Province and the said Arnold affirmes he was never yet paid for their dyet neither by the publick nor the perticuler persons, & it lieth Only wth this Court to releive him

Wee further find an Article in his last acco^t presented to this court of Sixteen pounds for Blanketts. & ca w^{ch} by Ord^r of Authority he provided for the prisoners w^{ch} was an Article not charged in his former acco^t the Consideration of the premisses humbly offer to the Consideration & Determination of this Hon^{ble} Assembly./

ELISHA HUTCHINSON
 PETER. SERGEANT
 JOHN WALLEY
 JOHN LEVERETT
 SAM^{LL} PHIPPS." — *Mass.*

Archives, vol. 40, p. 627.

On the eighth of July this vote was passed concurrently by both branches.

The order in Council† for the payment of this allowance was passed July 16, 1700.

Chap. 41. This chapter is from council records, vol. VII., p. 125, and archives, vol. 11, p. 152.

The following is the petition mentioned in the preamble to this chapter: —

* Manuscript mutilated.

† Executive Records of the Council, vol. 3, p. 136.

‡ *Ibid.*, p. 134.

"To the Rt Hon^{ble} Richard Earle of Bellomont Cap^{tn} Generall and Govern^r in Chief in and over his Maj^{ties} Province of the Massachusetts Bay in New England, in Council, and to the hon^{ble} house of Representatives in Generall Court Assembled/

The Petition of James Gouge on behalfe of the Towne of Wells —

humbly shewth

That the s^d Towne hath suffered much in the late Warr wth the Indians, having their meeting house and most of their dwelling houses burnt & demolish'd by the Indians, w^{ch} hath so very much reduced them, that of themselves they cannot build another meeting house, nor give sufficient mentenance to a minister to Reside among them

The premisses considered it is humbly pray'd That the sume of Thirty pounds be allowed towards y^e compleating a meeting house now erecting & the sume of Twenty pounds for their minister, who else will be forced to leave said Towne. not having a Competency

And yor Pet^r & c^a." — *Mass. Archives*, vol. 11, p. 152.

This petition seems to have been read in the House on the twenty-fifth of June, when it was probably referred to a committee. On the eighth of July the vote incorporated in this chapter was passed by both branches of the Legislature and consented to by the Governor.

The order in Council* for the payment of this allowance was passed July 16, 1700.

Chap. 42. This chapter is from archives, vol. 70, p. 478. It is recorded in council records, vol. VII., p. 126.

Storer served the province as commander of the sloop Hopewell in 1692, and again in the expedition eastward under Major John March in the summer of 1697. On account of the former he was paid October 27, 1692, £39 11s. 7d.†; and on account of the latter service he received, in 1697 or 1698, £43 2s.‡ It is to be inferred from the allowance made in this chapter that these sums were not considered as adequate compensation for his services, and the hire of his vessel.

This resolve was passed by both branches and consented to by the Governor on the eighth of July.

The order in Council§ for the payment of this allowance was passed July 16, 1700.

Chap. 43. This chapter is from council records, vol. VII., p. 124, and archives, vol. 58, p. 197.

On the day after the passage of chapter 15, *ante*, a movement was started in the Legislature to further the objects of the address to the king, in the form of a resolve for the appointment of a committee to consider and report "what is further necessary to be done" to that end. The following is taken from the original draught of this resolve: —

"In Council. June. 15th 1700./.

Resolved, That W^m Stoughton Elisha Cooke, Elisha Hutchinson, Sam. Sewall, John Foster, and Nathan^l Byfield Esq^{rs} be a Committee to joyne with such as shall be named a Co^mmittee of the house of Representatives to consider of what is further necessary to be done relating unto the matters contained in the Address unto his Maj^{ty} agreed upon by this Court. And to make their Report. W^m Stoughton Esq^r to be the chairman and to appoint time and place of meeting: and to sit this afternoon and at other times until they have finished.

Sent down for concurrence./.

ISA ADDINGTON Sec^{ry}.

In the House of Representatives Read June 15th 1700. & Voted a Concurrence And That Mr Speaker, Capt John Brown Cap^t Timothy Clark Cap^t Sam^l Phipps, Mr Eben^r Brenton, & Cap^t John Burrill be a Co^mmittee to Join with the Co^mmittee of the Board in the affair afores^d

Archives, vol. 106, p. 466.

JOHN LEVERETT Speaker." — *Mass.*

On the twentieth, Stoughton, chairman of this committee, presented in the Council a report "which was read at the Board and referred to consideration until tomorrow." This report contained the following recommendation: —

"12 That his Excel^{cy} be addressed by the Councill & representatives, to Improve his Interest in his Maj^{tie} & Ministers of state, on the behalf of this province for the obtainem^t of the matters contained in the address to y^e King: and to advice what further steps are fitt to be taken by us for y^e Effecting what is desired." — *Ibid.*, p. 473.

After some changes, which will be noticed in the note to chapter 52, *post*, the report was agreed to by both branches, on the twenty-sixth, and an order passed, of which the following is the record: —

"June 26, 1700. Ordered by the Board That William Stoughton, John Pyncheon, Elisha Cook, and Samuel Sewall Esq^{rs} with the Secretary be a Committee of the Board to Joyne with a Co^mmittee of the Representatives to prepare the Draught of an Address to his Ex^{cy} to improve his Interest in his Maj^{ty}, and the Ministers of State, relating to the Matters Contained in the humble Address of this Court to his Maj^{ty} pursuant to an Article in the Report of the Committee Appointed to Consider of the Matters Contained in the said Address to his Maj^{ty}

Which Order being Sent down to the House of Representatives, A Message was Sent up from that House, that they had Concurred therewith, And Appointed a Co^mmittee to Joyne with the Committee of the Board for the Service therein Mentioned." — *Council Records*, vol. VII., p. 113.

The names of the persons joined by the House on this committee have not been ascertained; but, by the twelfth of July, this joint committee had prepared an address to the

* Executive Records of the Council, vol. 3, p. 137.

† *Mass. Archives*, vol. 122, p. 8.

‡ *Ibid.*, p. 104.

§ Executive Records of the Council, vol. 3, p. 136.

Governor, which had been "fairly transcribed" and "signed by the Secretary, in the name and by order of the Council, and by Mr. Speaker, in the name and by order of the House of Representatives," and this, together with the draught of a charter "agreed to be solicited for incorporating of the college," was presented to His Excellency by the Secretary and the Speaker, who had been chosen a committee for that purpose.

The draught of this address had been first read in the Council on the sixth of July, and then sent to the House, for concurrence. In the House it was under debate until the ninth, when the vote to concur was passed.

The draught of the proposed charter is given in chapter 52, *post*.

Chap. 44. This chapter is from council records, vol. VII., p. 126, and archives, vol. 40, p. 610.

The allowance granted by the resolve which constitutes this chapter was for about four years' service. For former allowances to Checkley, see resolves, 1693-4, chapter 9; 1695-6, chapter 36; 1696-7, chapter 44, and the notes thereto.

The petition mentioned in the preamble to this chapter was as follows:—

"To his Excellency Richard Earle of Bellomont Cap^t Generall & Governour in Chéife in and Over his Maj^{ties} Province of the Massachusetts Bay in New England, And to the Right Honourable W^m Stoughton Esq^r L^t Governour And the Honorable Gent^{ym} of the Council, And the Honrd Representatives Assembled & Sitting in the Great & Generall Court at Boston March 13th 1699/700 In the 12th Year of his Majesties Reign

The Petition of Anthony Checkley

Humbly Sheweth.

That Your Petitioner In the Year 1689, By the Governour Councill and Representatives of this Province Was Chosen Attorney Generall In behalfe of King William & Queen Mary And in the Year 1692. By the Governour & A Generall Council was again Elected unto that Office, And Received an ample Comission under the Seal of the Province for the Same, Whereby I was made, ordained and constituted their Maj^{ties} Attorney Gener^l, To have hold exercise and Enjoy, the said place & Office (during their Maj^{ties} pleasure) Together with all fees, rights, perquisites, priviledges profits & advantages to the place & Office belonging or any wise Appertaining, In as full and Ample Manner as any Attorney Generall, In other his Maj^{ties} Plantations & Dominions in America have had or did then Receive & Enjoy, In which place I have acted to this time, with Integrity & According to the best of my Understanding & power, So that my Enimies (If I have any) Cannot Justly tax me with Corruption or totall Insufficiency, And if there hath been any Neglect of any Bussiness belonging to the Office of the Kings Attorney, It hath been because I have not been put upon it Nor encouraged in it, The most of the Bussiness that I have been put Upon hath been prosecuting Malefactors, the Number of which hath been Great and wherein I have had Abundance of Care Trouble and charge, upon the Circuits, and at all the Courts I have always born My own Expences which hath been more than I have Received I have nothing Neither fees nor Sallory Settled nor So much as the name as the Kings Attorney mentioned In the Law Booke So that I have been and still remain Under great Discouragements I never had any thing But what I have gott by begging, I Petitioned the Generall Court in the Year 1693. And then Obtained Sixty pounds, And above halfe that went for old Rates which I thought was Remitted, And I Petitioned Again in the Year 1695. Then they gave me Twenty pounds And in May 1696. I Petitioned Again and then they Allowed Me Fifty pounds, I have had for Seven Years Service in all One hundred & Thirty pounds, And ever Since being near four Years I have not had any thing, So that I am forced Now to begg Again, And I Crave pardon If I am Importunate, And Lay before Your Excellency, Your Hon^{rs} and the Honoured Assembly Some Considerations as motives to Grant my fllowing humble Request.

The Difficulty, trouble and Expence I have been put to In the Execution of my Office

The hindrance it hath been to me In that I never did nor dared to take up any Action that hath been brought by any Person wherein the Kings Interest hath been Concerned, Although I might have had Great fees to defend, And although I have not been Improved by the Informers for the King as I thought my Commission did Impower Me, here I have Stood Neutor when other Attornys have made Great advantages.

That this place Requires Such a Constant Attendance, as to be always ready when ever am Sent for before Authority about the Kings bussiness, So that all private bussiness must give way thereunto.

My humble prayer to Your Excellency and this Great & Generall Court is —

That You will please to alow me Some Competent Satisfaction for the Last fours* Years Service and If You think me worthy to be further Employed In that so honourable & necessary Service, That I may be Supported and Incouraged therein, That the place for the future may be Some Enjoyment of benefitt & advantage, as well as Obligation to duty & Service, That I may by A new Commission be better Confirmed in my being, And that the Law may Sett forth my duty & priviledge what is my work and Reward, what I must do, and what I must have, I desire but Such a Competent Sallory that may aford Me A Sub-sistance So that I may Serve my King & my Country Cheerfully That I may not for the Future be forced to begg But obliged Thankfully to acknowledg Your kindness & Cheerfully obey Your Commands.

I am Your Excellency & Your Honours ffaithfull Servant

ANTHONY CHECKLEY." — *Mass.*

Archives, vol. 40, p. 610.

This petition, which was probably presented to the General Court at the second session of the previous year, appears to have been revived or continued to this year and to have been acted upon, first, in the Council, on the twenty-second of June, when the resolve which is

incorporated in this chapter was passed and sent to the House, where it was concurred in on the ninth of July.

The order in Council* for the payment of this allowance was passed July 16, 1700.

Chap. 45. This chapter is from archives, vol. 30, p. 462. It is recorded in council records, vol. VII., p. 128.

This resolve was reported "by the committee for the Indian affair" appointed to consider and report upon the following recommendation of Governor Bellomont's opening speech:—

"May 30, 1700. . . . You Know as well as I the Circumstances we are in with the Eastern Indians, that the French Missionaries have debauched 'em from their former Obedience to the King and that it was at their instigation they Murdered so many of Your people this Last War, And are now at the Devotion of the Jesuits to Act over again such another Tragedy,

I am Sorry to tell you, That I find the French Missionaries are no less Industrious to Debauch our five Nations of Indians in the province of New York taking indefatigable pains to work on Some by fear, and Menaces, on others by enticement, and Flattery, and the Messengers I lately Sent to encourage them, informe me, that Several of our most forward fighting Indians that were best Affected to us have lately been dispatched out the World by Poison

The Management of the Eastern Indians in Such Manner as to bring them again under the Obedience of His Majesty is Necessary above all other things, and worth your thought, and Care to try to Effect . . ." — *Council Records*, vol. VII., p. 74.

The report of this committee was read in the Council on the twelfth of June and was ordered to "lie upon the board." On the twenty-first the following entry appears in the council records as passed by the Council on that day:—

"The Report of the Committees appointed to Consider of Methods to Obviate the Industry of the French Missionaries in debauching of the Indians, and what may be Necessary to bring again the Eastern Indians under his Majesty's Obedience, was read at the Board

Resolved That the Several Articles Contained in the said Report, which were Agreed to, be Subtracted from the Others which being Accordingly so done, were afterwards read & past, And Sent down to the Representatives for their Concurrence." — *Ibid.*, p. 105.

Apparently this chapter consists of the articles thus extracted from the report. It was concurred in by the House on the eighth of July.

Chap. 46. This chapter is from archives, vol. 58, p. 200. It is recorded in council records, vol. VII., p. 129.

Samuel Sewall, of the committee appointed by the resolve which constitutes this chapter, thus records his interview with Mather:—

"July, 10th . . . Waited on Mr. Mather this day, at three in the Afternoon. I told him the Honor of Athanasius, *Maluit sedem quàm Fidei syllabam mutare*: Worthies of N. E. left their Houses in England, and came hither where there were none to preserve Religion in its Purity. [I] Put him in mind how often God had renewed his Call [to him] to this work which was to be consider'd [by him]. That [there] were 19 in the Council; and [he] had every vote." — *Diary*, vol. II., p. 18.

The next day Sewall made the following report:—

"July 11, 1700. Samuel Sewall Esqr appointed by the Board, to Accompany the Committee Nominated by the Representatives to Acquaint Mr Increase Mather that the Court had Chosen him President of the Colledge, and Desire his Acceptance of that Office, and so expect that he repair to, and reside at Cambridge So Soon as may be, and to receive his Answer, Reporting That said Mr Mather could not remove without acquainting his Church, If they Consented to give him up to this Work, he would as to his own person, remove to Cambridge, but could† see his way Cleer to remove his Family while he heard of the passing the Charter in England." — *Council Records*, vol. VII., p. 133.

To prevent further evasion and delay, the General Court immediately passed another order, which is thus recorded:—

"July 11, 1700. The s^d Mr Mather was again sent to from the Court to Call a Meeting of his Church this Evening, upon the said Occasion and

Elisha Hutchinson, & Samuel Sewall Esqrs with Some Nominated by the House of Representatives were Sent to the said Church to Desire their Consent that said Mr Mather might remove to Cambridge, and Undertake the Care of the Colledge as presid^t thereof." — *Ibid.*

On the twelfth a response from Mr. Mather's church was received by the Council, which was recorded as follows:—

"July 12, 1700. John Foster Esqr one of Mr Mathers Church, Acquainted his Excy, and the Board, That the s^d Mather having, pursuant to the Direction of the Court, Called a Meeting of his Church Yester evening, they had Consented to his going to Cambridge, and that said Mr Mather referred himself to his former Answer." — *Ibid.*, p. 134.

Being thus deprived of every pretext for longer disregarding the request of the Assembly that he continue president of the college only upon condition that he fix his residence in Cambridge, Mather yielded, and changed his habitation accordingly, but left his family in Boston. The General Court thereupon immediately placed the government of the college in the hands of Mather and a board of fellows,§ and appointed a committee

* Executive Records of the Council, vol. 3, p. 136.

† This word is not in the series of records in the Secretary's office.

‡ *Sic*: the word "not" is omitted.

§ Chapter 61, *post*.

to provide for his reception and entertainment,* in some suitable place in Cambridge. This committee, it would seem, provided for him a boarding-place,† not being empowered to make the necessary repairs, etc., on the house intended for his residence. This was "the house already built for a president's house" which, it appears, was not ready for occupancy, inasmuch as it was meet that something "be done with respect to" it in the way of fitting or furnishing; and it may be that the changes or repairs necessary to render the house comfortable in winter, and the want of other suitable accommodation for his family furnished a pretext for his return to Boston after about three months' stay at Cambridge. Whatever was the real cause, it is certain that, on the seventeenth of October, he wrote a letter to his friend the Lieutenant-Governor, "giving an account of his inspection of the college whilst he resided there and containing the reasons of his removal from Cambridge, as his not having his health, etc., there, and desiring that another president may be thought of."

This letter was communicated to the Council on the twenty-sixth of February, 1700-1, by Stoughton, whereupon he was advised to cause so much of it as related to the college "to be copied and sent down to the representatives."

The work of fitting up and repairing the president's house was intrusted to another committee appointed as late as March 15, 1700-1,‡ and was evidently not finished until some months thereafter. From the letter which Mather wrote to the Lieutenant-Governor on the thirtieth of June, at the end of his last three months' stay in Cambridge, it is clear that he had resided in Cambridge only six months of the preceding year, during which time his family still remained in Boston.

The six months' interval of absence, from October to the following spring, therefore, may have been excused on the ground of want of suitable accommodations for a person in delicate health, or for one of his dignity, and the necessity of living away from his family which the situation involved. On the fourteenth of March, 1700-1, the order providing for the government of the college, under which Mather had assumed the duties of president in July, was renewed,§ and the same board of government was ordered to continue in office, with a proviso, "in case of Mr. Mather's refusal, absence, sickness or death, that Mr. Samuel Willard, nominated to be vice-president," be "invested with the like powers and authority aforesd. in all respects." Soon after this, Mather again removed to Cambridge until the thirtieth of June when he wrote the letter to Stoughton, above referred to, as follows:—

"Hon^{ble} Sir.

I promised the last General Court, to take care of the Colledge until the Commencement Accordingly I have bin residing in Cambridge, these three months. I am determined (if the Lord will) to return to Boston the next week, and no more to return to reside in Cambridge; for it is not reasonable to desire me to be (as out of Respect to the Publick Interest, I have bin Six months within this twelve month) any longer absent from my ffamily. And it is much more unreasonable to desire one, so circumstanced as I am to remove my ffamily to Cambridge, when the Colledge is in such an Unsettled state. I do therefore Earnestly desire that the General Court would as soon as may be think of another Præsident for the Colledge. It would be fatal to the Interest of Religion, if a Person disaffected to the Order of the Gospel professed, & practised in these Churches, should præside over this Society. I know the general Assembly out of their Regard to the Interest of Christ, will take care to prevent it. It is, and has bin, my prayer to God, that one much more learned than I am, and more fit to inspect, & govern the Colledge may be sent hither; And one whom all the Churches in New-England, shall have cause to bless the Lord for. —

So I remain yrs to Hon^r & Serve

INCREASE MATHER.

ffrom the Colledge In Cambridge Jun. 30 — 1701." — *Mass. Archives*, vol. 58, p. 226.

This led to the termination of his presidency of the college, as shown in resolves, 1701-2, chapters 59 and 69, and notes.

For the six months' service performed under this chapter Mather received one hundred and ten pounds in two instalments of fifty-five pounds, each.

The orders in Council for paying these allowances were passed, respectively, October 10, 1700,§ and October 20, 1701.||

The salary of Willard, his successor, commenced September 6, 1701.¶

Chap. 47. This chapter is from council records, vol. VII., p. 130. It has not been found in the archives.

In the note to chapter 21 of the resolves of the year 1699-1700 mention has been made of the first order in the Privy Council to the Governor and Council of the province to liquidate the accounts of Andros for expenses incurred during his administration as Governor of the territory and dominion of New England. In the same note it was shown that while the Council were proceeding with the duty thus imposed upon them, John Usher, who had been public treasurer under Andros, presented his accounts. The fact is also there stated that no action of the Council upon this order and application, at that time, has been discovered, but that the attention of the Board seems to have been then exclusively given to the consideration of the claims of officers and soldiers, and for the hire of vessels, employed in Andros's time against the Indian enemy, of which a report was made to the Council in September, 1694.

It was also shown there, that on the fifth of September, 1692, Usher presented his accounts. The following is the record of this proceeding:—

"Sept. 5, 1692. John Usher Esq^{re} presented a Copy of their Majesties Commission for the Government of the Provec^e of New Hampshire whereof he is constituted Lieutenant

* Chapter 59, *post*.

† Chapter 88, *post*, and note.

‡ Chapter 81, *post*.

§ Executive Records of the Council, vol. 3, p. 180.

|| *Ibid.*, p. 260.

¶ *Mass. Archives*, vol. 122, p. 165.

Governour, which was read in Council. And at the same time presented an Order from the Right Hon^{ble} the Lords of their Maj^{ties} most Hon^{ble} Privy Council, at the Court at Whitehall the 12th of October 1691. referring the accompts of the said Mr Usher late Treasurer of New England, to the Examination of the Governour & Council of the Massachusetts Bay, with direction to satisfie him out of the publick Stock, what may appear to be justly due unto him upon the ballance of the said accompts. He having given good security to pay in to their Maj^{ties} Treasury in New Engl^d, what sums shall appear (if any thing) to be due to their Majesties and the Government of New England upon the s^d ballance as aforesaid. Which order was read in Council." — *Executive Records of the Council*, vol. 2, p. 192.

Usher's accounts seem not to have been referred to a committee until December 20, 1692, when the following entry appears in the record: —

"William Stoughton, Wait Winthrop, Sam^l Shrimpton and Peter Sergeant Esq^{rs} are desired and appointed to inspect and Examin the Accompts of Sr Edmund Andros late Gov^r and John Usher Esq^r late Treasurer of New England — Referred by an Order from the Lords of their Maj^{ties} most Hon^{ble} Privy Council, unto the examination of the Gov^r and Council of this Province, & to prepare the same to be laid before this Board, W^m Stoughton Esq^r to appoint the time and place of Meeting.

WILLIAM PHIPS." — *Ibid.*, p. 211.

On the thirtieth of January, 1692-3, the report of the above committee, which had been made to the Council December 31, was read in the Council "and remains [says the record] in their [the committee's] hands."

Twice, subsequently, Usher appeared before the Council concerning his accounts that were under consideration by the above committee. The record of these appearances, and of the action of the Council thereon, is as follows: —

"Feb. 8, 1692-3. John Usher Esq^r attended the Council, referring to his Accompts as late Treasurer; And the Accompts were broth and Laid before the Board, and returned again

Resolved That its Necessary a Copy of Said Accompts be Lodged in the Secretary's Office." — *Council Records*, vol. VI., p. 265.

"Feb. 15, 1692-3. John Usher Esq^r presented a Motion that there might be an issue of his Accompts as late Treasurer, So as to return them by this Ship, which was read at the board; And sent in the Book of his Accompts as late Treasurer to be Lodged in the Secretaries Office until Copies thereof can be drawn out to remain on file." — *Ibid.*, p. 268.

On the twenty-second of March, 1693-4, the report of the committee was read in Council, as follows: —

"Province of the Massachusetts Bay in New England

Pursuant to an order of his Ex^{cy} and Council of the 20th December instant. directing and appointing us the subscribers to inspect and Examin the Accompts of Sr Edmund Andros late Govern^r and John Usher Esq^r late Treasurer of New-England. Referred by order from the Rt Hon^{ble} the Lords of their Mat^{ys} most Hon^{ble} Privy Council, unto the Examinac^{on} of the Governour and Council of this their Mat^{ys} Province We have inspected and Examined the several accompts p^{re}sented to us by the s^d John Usher Esq^r beginning the 25th of May 1686 in the time of the President and Council, and ending the first of July 1690. And do find the s^d several Accompts made good by orders and Receipts for the several Articles of payments therein mentioned, and the Ballance thereof due to the s^d John Usher Esq^r Eight hundred Fifty one pounds two shillings tenpence. We also find standing out of the several Rates &c. made in the time of that Government, seven hundred ninety eight pounds seventeen shillings three pence, besides the Debts of Benoni Eaton dece^d and Reb: Stebbins am^t to Twenty seven pounds, nine pence, which two Debts are doubted whether feasible thro^o length of time. In which several Accompts on which the Ballance afores^d doth arise — we likewise find full Four thousand two hundred Eighty six pounds nine shillings, four pence drawn by Sr Edmund Andros orders out of the Treasury and applied to his acco^{tt} for his Salary, altho^o in two Receipts given by Phillip Wells his order, for Four hundred pounds each, part of the fores^d sum applied to his Salary, Expressing to be on Accompt of disbursements for Provisions &c for the now raised Forces to the Eastward — the 31^o December 1692 —

Signed.

W^m STOUGHTON.

W: WINTHROP

SAMUEL SHRIMPTON.

PETER SERGEANT." — *Mass.*

Archives, vol. 101, p. 1.

The Council thereupon agreed upon the following statement of exceptions to the accounts: —

"Upon consideration of which afores^d Report of the Committee and further Inspection and Examination into the Accompts of John Usher late Treasurer, Exceptions are made against the following Articles in said Accompts.

First To the sum of Four thousand, two hundred Eighty six pounds, nine shillings, four pence, arising by several articles in s^d Accompts charged as Salary for Sr Edm^d Andros Gov^r. The moneys so applied being drawn out of the Treasury by his own orders, no advice and consent of the Council appearing for y^e same, and eight hundred pounds part thereof is particularly exprest by two Receipts, one of the 3^d of December 1688, the other of the 31st of the same December of Four hundred pounds Each, given by Phillip Wells, his order, to be on accompt of disbursements for Provisions &c. for the new raised Forces to the Eastward, His Ex^{cy} and Council are of opinion That no more of the aboves^d sum be allowed than the Eight hundred pounds for supply of the Forces —

Secondly. To the charge of Five pound p Cent. Comission or Salary to the Treasurer, amounting to the sum of seven hundred pounds, or upwards in the whole, there appearing no order of Governour & Council for allowing of the same

His Ex^{cy}. and Council are of opinion That three hundred and Fifty pounds is a sufficient Recompence for that service (the General Accompt being debited for charges of

transportation and Loss of Grain, storage and other charges) which allowance is more than has been made any former Treasurer within this Territory.

WILLIAM PHIPS." — *Ibid.*, p. 2.

The next proceeding upon the accounts of Sir Edmund Andros was as follows:—

"At a Council held at his Excellency's House in Boston, upon Wednesday Aprill the 4th 1694—
Mr Giles Dyer Attourney to Sir Edmund Andros this day presented a motion in writing Praying a Resolve of this Board upon the Accompts of Sir Edmund Andros late Governour, referred by the Lords of their Majties most Hon^{ble} Privy Council to be here examined &c^a

A Copy only of sd Accompts attested by Mr Phillip Wells being here lodged, tho' he was directed to leave the original under Sir Edmunds hand. And a considerable part of the charge arising by sd Accompts being for subsistence of Souldiers, There appearing to be Eight hundred pounds drawn by his order out of the Treasury for y^t occasion &c charged and allowed in Mr Ushers Accompts, For which no Credit is given in Sir Edmunds Accompts, And several demands being made by particular persons for subsistences wages &c^a It's necessary that the Committee appointed to receive and Examine the claims in the time of that Governm^t do perfect the same before any report can be made upon Sir Edmund Andros his Accompts./—

WILLIAM PHIPS." — *Ibid.*, p. 3.

Under date of December 5, 1694, however, the following entry appears in the executive records of the council:—

"A Letter directed unto the Gov^r, and in his absence unto the Lt Gov^r from the Rt Hon^{ble} the Lords of their Majties most Hon^{ble} Privy Council, from the Council Chamber at Whitehall the 26th of March 1694. was read at the Board, signifying his Majties Royal pleasure, that the Governour and Council do forthwith proceed to the final examination of the Accompts of Sir Edmund Andros late Gov^r of New England, of money disburs^t by him for the publick service during his Government in New England, and to cause payment to be made to him in course, out of the publick Revenue of this Province of what shall appear to have been expended by him, and justly due to him on that account. Pursuant to the directions of his Majties order in Council of the 12th of October 1691. or otherwise to return an account to his Majty in his most hon^{ble} Privy Council of the proceedings therein, together with the reasons for not complying with his Majties sd order.

Another Letter from their Lordships of the same date and of the like import, referring to the accompts of John Usher Esq^r late Treasurer of New England, was presented & read at the Board." — *Vol. 2, p. 295.*

On Friday, the seventh of December, a committee of the Council, consisting of James Russell, Elisha Cooke, Elisha Hutchinson and John Foster, was appointed "to peruse and Examine the Accompts of Sir Edmund Andros late Gov^r," etc, "with such other accompts or Claims as have relation or are dependant thereon, as also to consider what may be further offer'd referring to the accompts of John Usher Esq^r late Treasurer, and to make their Report to this Board upon Thursday the 3rd of January next, that a Return may be made thereon unto their most Excellent Majties in their most Hon^{ble} Privy Council, in obedience to his Majties commands."*

From this time forth, so long as this committee acted, the accounts of Andros and Usher were considered together, although separately reported upon. The committee brought in their report on the twenty-fifth of March, 1695, in two parts; one concerning Andros's account, and the other concerning the accounts of Usher. The substance of this report appears in the final draught hereafter given.

On the third of May this report "was read and debated upon the remarks therein made by way of exception to divers articles in each of the sd accompts in order to the preparing a Return to be made unto the Rt Hon^{ble} the Lords of His Majties most Hon^{ble} Privy Council by the next conveyance from hence to London."† The final draught was as follows:—

"Province of ye Massachusetts Bay in N: England

Pursuant to an Order of ye honorable ye Lt Govern^r & Council of ye 7th Decembr 1694 nominating & appointing us ye subscribers to Puse & examine ye Acco^{ts} of Sir Edmund Andros late Govern^r of New England with such other acco^{ts} or Claims as have relation to or are dependant thereon, As also to consider what may be further offered referring to ye acco^{ts} of John Usher Esq^r late Treasurer, we have Pused a Coppy of an Acco^t amounting to 3875:17:4½ signed Phillip Welles & underwrit E Andros declaring ye disbursm^{ts} yⁱⁿ mentioned to be made out of ye sd Sir E Andros's P P money & Credit, being an acco^t of sundry Disbursm^{ts} under several heads & making ye sume of two thousand ninty six pounds eleven shillings & thre pence due to ye accountant for Ballance— In which Acco^t we find charged for generall survey's in ye out parts of ye Country one hundred seventy eight pounds eleven shillings 1½^d, ffor annexing New York & New Jersey &c to this Governm^t two hundred twenty six pounds eleven shillings & 2½^d In his Acco^t of Incident charges several sums for Pvisions &c for ye subsistence of ye Eastern souldiers amounting to forty eight pounds sevinteen shillings & eight pence. In his Disbursm^{ts} for fortification severals for Fort Mary amo^{ng} to one hundred sixty two pounds nineteen shillings & ten pence— We also observe yt for several sum^{me} charged in sd Usher's Acco^t which seem P Ply to belong to this Acco^t no Credit is given Vz^t Disbursm^{ts} for ye Eastward Company brought fro^m England quartered at Mr Gibbs's house Castle &c before ye warr one hundred seventy eight pounds nine shillings & six pence. ffor subsisting ye Eastward Forces three hundred & thirty pounds & five shillings, And for Money payd by Sir Edmonds Order to Mr West &c & 124. Bush^{lls} of Oates to himsele amo^{ts} to forty five pounds three shillings & four pence, excepting ye first Article in this Acco^t Current which is two hundred twenty

* Executive Records of the Council, vol. 2, p. 300.

† *Ibid.*, p. 327.

eight pounds thirteen shillings sayd to be money received fro^m s^d Jn^o Usher Esq^r at several times, w^{ch} su^m we do not find charged in s^d Ushers Acco^t the Acco^t of ye Disbursm^{ts} for ye subsisting of ye several Land Forces amounting to two thousand five hundred & thirty pounds, & the Disbursm^{ts} for sloops & victualling them we are not enabled to examine having neither Muster Roales nor any thing before us but ye bare Copy of ye acco^t. We have also inspected ye many Acco^s of ye Claimers co^mitted to us & find among them several su^ms amounting to upwards of four hundred pounds for provisio^s &c for subsisting ye Eastward Forces & seem not proper to be charged to ye Territory but to S^r Edmund Andros, he in ye s^d Acco^t of Disbursm^{ts} for subsisting ye souldiers having charged for their subsistence fro^m ye time of their being Impressed to ye first of Aprill following & for some longer. In o^r examining ye Acco^s of ye s^d Jn^o Usher Esq^r late Treasurer we observe, that in ye acco^t during ye time of ye Presid^t & Council no Credit is given for his Maj^{ties} third part of ye forfeitures then received for ye breaches of ye Acts of trade & navigatioⁿ. We also find yt Acco^t charged with salary payd to two Captains of ye Castle fro^m y^e tenth of June to ye tenth of Septembr, And for money payd Gyles Dyer &c for receiving thirteen hundred & ten pounds eight shillings & three pence for ye duty of Impost, wheras ye Credit in s^d Acco^t is but nine hundred sixty eight pounds twelve shillings & four pence for Imposts, In answer w^{to} s^d M^r Usher affirms yt he hath given Credit for all ye money he hath rec^d & to justify himselfe therin hath added s^d Gyles Dyers Acco^t to his but we can by no meanes reconcile ym. We have also discoursed s^d Usher with respect to his Acco^t in ye time of S^r Edmund Andros & are by him informed yt for paym^t of many of ye su^ms charged in yt Acco^t he never had any Orders but fro^m S^r Edmund Andros only, & those not applied to any P^ticular Uses expressed in s^d Orders, at ye times when s^d money was drawn out of ye Treasury, & yt what Orders & Receipts he had he hath sent for England & cannot show ym now to vouch his Acco^t In which several su^ms are charged w^{ch} we conceive ought to be duly considered v^z f^{or} ye Dry Dock &c. for ye Kings fisher Frigott three hundred forty three pounds nineteen shillings & eleven pence. f^{or} annexing New York & ye Jerseys to this Govern^{mt} one hundred & eighty pounds one shilling & five pence. f^{or} subsisting of ye Eastward f^{or}ces *ut supra* three hundred & thirty pounds & five shillings & ye above mentioned forty five pounds three shill^{ings} 4^d to M^r West &c: f^{or} Gener^l Surveys twelve pounds. f^{or} annexing Coⁿnecticot to ye Govern^{mt} four hundred eighty nine pounds one shilling & 6^d f^{or} Disbursm^{ts} for a fort at Pemaquid before ye warr one hundred thirty six pounds eighteen shillings & three pence. And for Fort Mary eleven hundred forty nine pounds seven shillings & three pence. We do also find s^d Acco^t charged with several su^ms payd for Salaries not having any sufficient Orders to justify them v^z to ye Surveyer & Auditor & Auditor Gen^l six hundred eighty three pounds eleven shillings & six pence. To ye Treasurer seven hundred thirty five pounds two shillings & three pence, And to ye Govern^r four thousand two hundred eighty six pounds nine shillings & fourpence, of which su^ms ye Council hath already allowed to ye Treasurer three hundred & fifty pounds, & seeme to allow eight hundred pounds part of ye £4236:9:4—yt being expressed in ye two Receipts for ye service of ye Eastern Forces, & if so we conceive S^r Edmund Andros's his Acco^t ought to be charged therewith. As to ye Minute of Council by which ye s^d Jn^o Usher Esq^r would justify his paying of S^r Edmund Andros four thousand two hundred eighty six pounds nine shillings & four pence for his salary, we offer, That its only in these words March 17th 1688/9 Ordered yt ye Treasurer do satisfy his Excellency for his salary out of his Maj^{ties} Revenue till X^mas last past; wherin no su^me is mentioned to be payd him, nor what his salary is P^{er} Annū, nor fro^m what time; yet we find in sayd Acco^t seven hundred & fifty pounds charged as payd him for halfe a yeares salary five dayes after his Arrival in ye Territory, wheras ye Acco^t is also charged with as much for salaries &c to ye Presid^t & Council for yt time: There is also four hundred thirty seven pounds & ten shillings charged as payd him for three months Salary after ye time mentioned in ye s^d pretended Order or Minute. It might also be noted yt ye two last Articles in ye Acco^t respecting ye Govern^{ors} salary are wrong charged both with respect to ye su^ms & ye computacoⁿ of ye time, he making no less than sixteen months & seven dayes in one yeare & a quarter, but ye whole being disputed ye less need be sayd,

All which is humbly submitted &c.

[JAS RUSSELL.

ELISHA HUTCHINSON,

ELISHA COOKE

JOHN FOSTER*].”—*Mass.*

Archives, vol. 101, p. 18.

Upon full consideration of this report,† returns for the Privy Council on both accounts “were drawn up rough, and the heads thereof read and agreed to by the vote of the Council” on the twenty-third of July. These returns contained “objections against sundry articles charged in the said several accounts as their reasons for not paying the balances thereby respectively demanded, and directed to be transmitted.” On the twenty-fourth, the returns which were “being transcribed, were again read and voted to be humbly offered and laid before his majesty,” as follows:—

“In obedience to his Maj^{ties} commands of the 26th of March 1691. forthwith to proceed to the final examination of the accompts of S^r Edmund Andros late Gov^r of New England and to cause payment to be made to him in course out of the publick Revenue of the Province of the Massachusetts Bay of what shall appear to have been expended by and justly due to him for the publick service during his Government in New England pursuant to the directions of his Maj^{ties} Order in Council of the 12th of October 1691. or to return an accompt of the proceedings therein, together with the reasons for not having complied with his Maj^{ties} said order.

Having perused and examined the Copy of an accompt signed Phillip Wells and underwrit E Andros (there being no other left here) amounting to three thousand eight hun-

* These names are taken from the executive records of the council, vol. 2, p. 330. They do not appear on the original report.

† The original and the final draughts of this report are preserved. The former is endorsed, “Audits papers respecting S^r E^d Andros & M^r Ushers Acco^s.”—*Mass. Archives, vol. 101, p. 14.*

dred seventy six pounds, seventeen shillings and four pence halfe penny, the disbursements therein mentioned said to be made out of the said Sr Edmund Andros's proper money and credit, being an accompt of sundry disbursements under several heads, and making the sum of two thousand ninety six pounds eleven shillings and three pence due to the said Sr Edmund Andros for Ballance.

We observe that several considerable sums are therein charged being as we humbly conceive not applicable to this Province or to be charged thereon. — That is to say :

The article of one hundred seventy eight pounds eleven shillings and a penny halfe penny, for general Surveys in the out Parts of the Countrey, of no benefit to the Publick.

For annexing New Yorke and the Jersies to this Govern^t two hundred twenty six pounds, eleven shillings and two pence halfe penny. This Province had no advantage thereby.

The sum of Forty eight pounds, seventeen shillings & eight pence for Provisions &c^a for the Eastward Souldiers is a mischarge, the whole subsistance for all those Souldiers during the whole time of their service, being charged in his accompt under the head of Disbursements for subsisting the Land Forces against the Indians Eastward.

The sum of one hundred sixty two pounds, nineteen shillings and ten pence charged for severals disbursed for Fort Mary, which is over and above the sum of cleaven hundred forty nine pounds, seven shillings and three pence contained in the Treasurers accompt, amounting in the whole unto thirteen hundred and twelve pounds seven shillings and a penny, w^{ch} Fort was erected upon a Hill in the Town of Boston, being no wayes capable by reason of its situation, to be of defence against an Enemy, and made only with Stockados.

We also observe, that credit is omitted to be given in Sr Edmunds accompts for several sums charged, by the Treasurer in his accompts as paid by him, as appeares in several articles viz^t : —

The sum of one hundred seventy eight pounds, nine shillings and six pence, for disbursements for subsisting the foot Company brought from England, which was before the war, and their pay and subsistance paid unto Sr Edmund out of his Majty's Exchequer.

The sum of three hundred and thirty pounds, five shillings, for subsisting of the Eastward forces, their whole subsistance being charged for by Sr Edmund, he ought to give credit for what was paid towards it out of the Treasury.

The sum of Forty five pounds, three shillings and four pence paid to Mr West &c and for oates to himselfe drawn by his own order.

Besides there is a demand made to the value of four hundred thirty one pounds of the Treasury here by sundry private persons, for provisions taken up of them in that time for subsisting of the Eastern Forces, which ought to be charged to Sr Edmunds accompt he demanding pay for their whole subsistance.

It is also apparent by the Treasurers accompts that Sr Edm^d Andros has drawn out of the Treasury the sum of four thousand two hundred eighty six pounds, nine shillings and four pence and therein applied unto the head of Salary, charged in several payments at the end of each six Months, the first of which being seven hundred and fifty pounds for halfe a yeares salary within five dayes next after his arrival in the Territory, whereas the Treasurers accompts are also charged with as much paid for Salarys &c to the President and Council for that time, and some of the halfe yeares payments are set at eight hundred seventy five pounds. But it's manifest, the money was neither paid at the times in s^d accompts mentioned nor to that use, two receipts produced to vouch the same of four hundred pounds each signed P^r Phillip Wells Sr Edmund Andros's order, expressing it to be on accompt of Disbursements for Provisions &c^a for the new raised Forces to the Eastward, with which Sr Edmund ought to be debited, he charging in his accompts for the whole subsistance of those Forces; and the order or Minute of Council pretended to justify the payment of the Governours Salary dated the 17th of March 1688 is only in these words viz^t Ordered: That the Treasurer do satisfy his Excellency for his Salary out of his Majty's Revenue till Christmas last past, wherein there is no sum mentioned nor what his salary is P^r annum, nor any direction given how either of them may be ascertained.

Besides the accompt is charged with salary for three months more beyond the time limited by s^d order viz^t till the 25th of March 1689. amounting to four hundred thirty seven pounds ten shillings.

The article of one hundred thirty six pounds eighteen shillings and three pence for Disbursements for a Fort at Pemaquid before the war, it being only to secure the Indian Trade, of which the Publick had no benefit.

The article of three hundred forty three pounds, nineteen shillings and eleven pence for the Dry Dock for the Kings Fisher Frigat, not thought reasonable to be at the charge of the Territory and the Dock being thereby rend'ed useless to the great damage of the proprietors who are private persons

It's further observed, that the Treasury is charged with four hundred eighty nine pounds one shilling and six pence, for annexing Connecticut to this Government, thought not proper to be charged to accompt of this Province.

All which is humbly offered by the Members of his Majty's Council of the Province of the Massachusetts Bay in New England to be laid before his Majty as their reasons for not complying with his Majty's order for payment of the Ballance demanded.

In obedience to his Majty's commands of the 26th of March 1694. forthwith to proceed to the final examination of the accompts of John Usher Esq^{re} late Treasurer of New England, and to cause satisfaction to be made him out of the publick Stock for what shall appear justly due to him upon ballance of his s^d accompts, pursuant to the directions of his Majty's Order in Council of the 12th of October 1691. or otherwise to return an accompt of the proceedings therein, together with the reasons for not complying with his Majty's order.

It is humbly offered :

That upon examination of the Accompts of the said John Usher Esq^{re} late Treasurer, we observe that the said accompts are charged with several considerable sums of money

as paid for Salaries, for which there appears no orders of Council sufficient to justify the said payments vizt To Sr Edmund Andros at several payments for salary amounting in the whole to four thousand, two hundred eighty six pounds, nine shillings and four pence; only eight hundred pounds part of the said sum applied to salary is exprest in two receipts of four hundred pounds each, given by Phillip Wells Sr Edmund Andros's order, to be for subsistence for the new raised Forces to the Eastward and is allowed of in the Treasurers accompt.

To the Surveyer and Auditor General the sum of six hundred eighty three pounds eleven shillings and six pence.

To the ^{sd} John Usher as Treasurer the sum of seven hundred thirty six pounds, two shillings and three pence, for which service it has formerly been declared by this Board and so entred, that they were of opinion, that three hundred and fifty pounds is a sufficient Recompence; the accompt being debited for all charges and loss upon grain, and is more than has been allowed to any former Treasurer within this Province.

To the Article of Forty five pounds three shillings & four pence paid to Mr West & Co and for Oates, it was upon Sr Edmund Andros's order only.

It's also observed that tho' in the said accompts in the time of Sr Edmund Andros's Government, credit is given for his Majty's third part of the forfeitures received for Breaches of the Acts of Trade and Navigation, yet no credit is given for what was received in that respect, in the accompt, during the time of the President and Council, which was considerable, Mr Usher affirming no part thereof came to his hand, but its thought reasonable to be enquired after.

All which is humbly offered by the Members of his Majty's Council of the Province of the Massachusetts Bay in New England, to be laid before his Majty as their reasons for not complying with his Majty's order for payment of the Ballance demanded." — *Executive Records of the Council, vol. 2, p. 349.*

On the same day the Lieutenant-Governor wrote to the Privy Council as follows:—

"Rt Honble

May it please your Lordpp's

In Obedience to his Majty's Commands, his Majty's Council here have passed through the Examination of the accompts of Sr Edmund Andros late Governour of New-England, and of John Usher Esqr late Treasurer and this being the first opportunity for any Conveyance for England from this place since the receipt of yor Lordpp's Letter of ye 26th of March. 1694. I have embraced the same to return unto your Lordpp's the inclosed accompt of their proceedings, containing the objections which they humbly offer to be laid before his Majty. as the Reasons for not haveing complied wth his Majty's ^{sd} Order for payment of the Sums respectively demanded by the accompts for ballance; which they pray may be favourably accepted on behalfe of this his Majty's Province, for the preventing all such further payments as may be found unduely charged upon them.

I am. Rt Honble

Yor Lordpp's Faithful and most humble Servant

Boston. July. 24th 1695.

W^m STOUGHTON

To ye Rt Honble the Lords of his Majty's most Honble Privy Council." — *Mass. Archives, vol. 106, p. 388.*

A duplicate of this letter was forwarded on the sixteenth of October

Here the matter of the accounts both of Andros and Usher seems to have rested until the first session of the Legislature of 1700-1, when Usher presented the following petition:—

"To his Ex^{cy} Richard Earle of Bellomont, Captain Generall and Governour in Cheife, in & over his Majty's Province, of the Massachusetts Bay in New England, and to the Honble Council, & Representatives of the ^{sd} Province now setting—

The Petition of John Usher of Boston in the Province aboues^d Esq^e—

Sheweth

That your Petitioner, being Treasurer of the Territory & Dominion of New England, during the Government of Sr Edmund Andros, and until the Revolution, in that Territory, did advance and pay for publick uses, Several Considerable sums, of mony, more than what came into the Treasury, The Accompts whereof, his Majty was pleased to refer unto the Examination of the Governour and Council of this Province, with direction, that paym^t Should be made unto your Petitioner, of so much, as Should appear to be due to him for Ballance thereof

And that by the Report of a Committe appointed by Sr William Phips, late Governour, and the Council, to inspect & Examin the ^{sd} Accompts, pursuant to his Majty's Order in Council, Itt appears that there rests due unto your Petitioner for the Ballance, of his ^{sd} Accompts the Sum of Eight hunderd fifty one pounds, two shillings & ten pence which hitherto remains unpaid, nor could your Petitioner as yet obtain any order or Warrant from the Government unto the Treasurer, to pay the same or any part thereof

Your Petitioner therefore humbly prays your Excellency and this Honble Board to take the premisses into Consideration and to order payment to be made unto your Petitioner, of the Ballance due to him on his afores^d Accompts

And your Petitioner shall ever pray &c

JNO USHER." — *Ibid.*,

vol. 101, p. 163.

With this petition, it seems, Usher filed an answer to the objections made against sundry items in his account, by the committee of 1694, and adopted by the Council in their return.

The above petition was read first in Council. The record of the action of the Board thereon is as follows:—

"June 27, 1700. A Petition of John Usher Esqr late Treasurer of his Majties Territories, and Dominion of New England in the time of Sr Edmund Andros's Government; praying that the Ball^{ce} of his Accompts as Treasurer may be paid him, Together with a paper

presented by said Usher in Answer to Exceptions made to Several Articles in his Accompts Were read at the Board

Ordered That the said Petition, and Answer to Exceptions made to said Ushers Accompts be Sent down to the House of Representatives, with the reports formerly made by two Committees of the Board, And the Councils Acting thereupon." — *Council Records*, vol. VII., p. 115.

This petition was referred to a committee. The record of the appointment of this committee, and of the reference, is as follows :—

"July 9, 1700. A Resolve was Sent up from the Representatives, That Capt Jacob Green, Mr Isaiah Tay, Mr Samuel Sprague, Capt Bozoun Allen, and Mr James Barns be a Committee of that House, to Joyne with a Committee of the Board to inspect, and Consider the Petition of John Usher Esq^r late Treasurer of the Territory of New England, and to make report of their doings to this Session

Which resolve being read at the Board was Concurred with, and

Resolved That Elisha Cooke, Elisha Hutchinson, John Foster, John Walley, and Nathaniel Byfield Esq^{rs} be a Committee of the Board to Joyne with the said Committee of the Representatives for the Service Abovementioned." — *Ibid.*, p. 127.

By the resolve which constitutes this chapter, Usher's account was referred to the above committee.

Chap. 48. This chapter is from council records, vol. VII., p. 130. It has not been found in the archives.

The order in Council* for the payment of this allowance was passed July 16, 1700.

Chap. 49. This chapter is from archives, vol. 101, p. 168. It is recorded in council records, vol. VII., p. 130.

This committee was appointed under resolves, 1699–1700, chapter 21. See chapters 36, *ante*, and 57, *post*, and the notes thereto.

Chap. 50. This chapter is from archives, vol. 121, p. 102. It is recorded in council records, vol. VII., p. 131.

This committee was appointed under resolves, 1699–1700, chapter 50.

Chap. 52. This chapter is from archives, vol. 58, p. 207. The vote is recorded in council records, vol. VII., p. 134.

The proceedings relative to the sending this draught of a charter to England have been narrated in chapters 15 and 43, *ante*, and notes.

Of the report presented on the twentieth of June by Stoughton, chairman of the joint committee, the portions relating to the settlement of Harvard College were, with the exception of the article already given in the note to chapter 43, *ante*, as follows :—

"Whereas upon the 15th of June 1700 A Committee of both houses was appointed to Consider of what is further necessary to be done relateing unto y^e matters contained in the Adress unto his Maj^{ty}, agreed upon by this Court, and to make their report," The Committee haveing mett Sundry times and Considered of the premisses Doe thereupon report as followes ;

In the Consideracōn of that part of the address relateing to harvard Colledge at Cambridge, the Bill Ingrossed Last July was Layd before the Committee in the severall Paragraphs of it and it was agreed,

That The Corporacōn, Consist of seventeene persons; viz^t a President, vice-President, and fiftene fellows, to Exercise the powers mentioned in said bill. The names of the persons to be incerted by the Court,

That The Paragraph mencōning y^e Qualificacōn of Congregationall or presbiterian Pswasion, Be Omitted.

That The Clause provideing That five of the Corporacōn shal from time to time be made up out of the memb^{rs} of the Council, Be Omitted,

That The Clause dismissing any Member of the Corporacōn for one yeares absence out of y^e Province, Be Of fellows only that are absent without leave of y^e Corporation.

That Any Ten of the Corporacōn Whereof the Presid^t or Vice Presid^t to be one, Be a sufficient number to make a valid Act,

That Appointing of Tutors, purchaseing, selling, or Letting of Lands & Tenem^{ts}, and disposall of the Colledge stock & revenues, Be added to y^e Provisoe of Summoning of y^e Members of the Corporacōn by Writeing.

That Noe fellow or Tutor with Sallary be continued in that place, above seaven yeares, without a new Choice —

That the Lands att Cambridge as discribed, Be ffree from all Taxes, & Rates.

11. That the Visitation Be in His Majesty by y^e Govern^r or Comānd^r in chief together with the Council for the time being

13. That No Agent be sent from hence to solicit this affaire;

If the solicitation in England shall not succeed for obtaining what is expressed relating to Harvard Colledge,

That then no further proceedings be had thereupon until this Court be first advised, that so other needful Instructions may be sent from hence —

W^m STOUGHTON by order of the Committee." — *Mass. Archives*, vol. 106, p. 473.

This report was taken up in the Council on the twenty-first, as voted the previous day. The several articles were agreed to with an amendment to the tenth article, qualifying the exemption therein contained and extending it to "all personal civil offices, military exercises, watchings and wardings." An addition to the eleventh article was proposed,

* Executive Records of the Council, vol. 3, p. 135.

which constitutes the last clause of this chapter. Thus amended, it was sent down to the representatives for their concurrence. On the twenty-second it was returned from the House with their concurrence in the several articles in this report, and with a different clause substituted for the addition in the eleventh article, and the omission of the thirteenth article.

The Council immediately informed the House, by message, "that they insisted upon their own clause," and on the twenty-sixth, the report was adopted in concurrence, as already shown in the note to chapter 43, *ante*.

After the preparation of the draught had been agreed upon, a difference arose between the House and the Council as to the manner of selecting names for the first board of corporators. On the twenty-eighth of June the House resolved that the nomination of these persons "be attended this afternoon, and proceeded in in the same manner as the election of councillors," and sent up this resolve, for concurrence; but the Council voted a non-concurrence. On the next day the following resolve was passed by the Council and sent to the House, for concurrence, whence it was returned, concurred in, on the first of July, with the names of the committee joined by the House:—

"June 29, 1700. Upon the disagreement between the two houses about the Method of proceeding in the Nomination of persons for the Corporation of Harvard Colledge

Resolved That Elisha Cooke, Elisha Hutchinson Sam^l Sewall, and John Foster Esq^{rs} be a Committee of the Board to Manage a Conference with a Committee of the House of Representatives, about that Matter, and to make report there of, The Committees to Sit this Afternoon, and in Case they Cannot finish, then to Sit again on Munday Morning next." — *Council Records*, vol. VII., p. 117.

The members of the committee on the part of the House do not appear to have been appointed until Monday, on which day, in the afternoon, the agreement of the House was sent up to the Council.

On the sixth of July, in response to a message from the Board, the Speaker and the House proceeded to the council chamber, and "a conference thereupon was had and managed."

On the ninth, the House sent up to the Council the list of names inserted as corporators in this chapter, and, by the same order, a vote that these names be so inserted. In this the Council immediately concurred. Thereupon the following order was passed:—

"July 9, 1700. Ordered That the Secretary do prepare, and bring in the Draught of a Charter for the Incorporating of Harvard Colledge Agreeable to the report of the Committee Appointed to Consider of what is Necessary to be done relating to the Matters Contained in the Address to his Maj^{ty} for Settling the s^d Colledge &c." — *Ibid.*, p. 129.

This draught having been thus prepared, was read, first, in the Council, on the tenth of July, and on the same day it was agreed to and sent to the House, for concurrence. In the House the draught was read once on each of three succeeding days, the last being the twelfth, when a vote of concurrence was passed.

By these proceedings the hopes of the Mathers, father and son, were, for a time, utterly extinguished.

Chap. 53. This chapter is from archives, vol. 106, p. 474. It is recorded in council records, vol. VII., p. 135.

This resolve originated in the House and was promptly concurred in by the Council.

The order in Council* for the payment of this allowance was passed July 16, 1700.

Chap. 54. This chapter is from archives, vol. 40, p. 644. It is recorded in council records, vol. VII., p. 135.

The order in Council* for the payment of this allowance was passed July 16, 1700.

Chap. 55. This chapter is from archives, vol. 58, p. 209. It is recorded in council records, vol. VII., p. 136.

This resolve was passed, first, in the House, on the second of July. It was concurred in by the Council on the twelfth, after Mather had consented to remove to Cambridge. See resolves, 1698, chapter 51, and note.

The order in Council* for the payment of this allowance was passed July 16, 1700.

Chap. 56. This chapter is from council records, vol. VII., p. 136. It has not been found in the archives.

The order in Council† for the payment of this allowance was passed July 16, 1700.

Chap. 57. This chapter is from archives, vol. 101, p. 169. It is recorded in council records, vol. VII., p. 136. See chapter 49, *ante*, and note; and resolves, 1699-1700, chapter 21, and note.

The report of the committee was as follows:—

"BOSTON IN NEW ENGLAND anno 1701

Wee y^e subscribers being a Committee appointed by the Great & Generall Assembly In July 1699 & by severall Orders continued untill y^e 17th of January 1701/2 to Inspect y^e acct^s of debts for wages & service done in y^e time of Sr Edmond Andros Government & to grant debenters on y^e Treasurer of y^e Province for payment to all such Credit^{rs} as to our satisfaction shew forth their Claimes to be just & Due which service wee sometimes dayly but Constantly weekly attended & have used our utmost Care that what was just might

* Executive Records of the Council, vol. 3, p. 135.

† *Ibid.*, p. 136.

be done therein & here present a Generall account to y^e Honourable Court of what wee have done & y^e perticulars will appear in y^e book in weh wee have entered y^e same, & is ready to be seen or delivered up as y^e Hon^d Court shall Order.

| | <i>li</i> | <i>sh</i> | <i>d</i> | <i>li</i> | <i>sh</i> | <i>d</i> |
|---|-----------|-----------|----------|-----------|-----------|----------|
| Generall Accounts | £1345 | 15 | 6½ | £1313 | 19 | 11½ |
| Cap ^t Thomas Savage | £.205 | 15 | 4 | £.219 | 19 | 4 |
| Cap ^t Ting | £.145 | =1 | 11½ | £.142 | 14 | 0½ |
| Cap ^t Willard | £.166 | 10 | 10½ | £.166 | 10 | 10½ |
| Cap ^t Tho: Hinclman | £.140 | 15 | 8 | £.134 | =8 | 9 |
| Cap ^t Whithrington | £.151 | =8 | 3 | £.143 | =1 | 9 |
| Cap ^t Lockart & Crosse | £.104 | = | 9 | £.102 | =8 | 11 |
| Cap ^t Flood | £.207 | =9 | 7 | £.206 | =6 | 6 |
| Cap ^t Minott | £.183 | =9 | 2 | £.183 | =7 | 2 |
| Cap ^t Cutler | £.72 | 11 | 2 | £.72 | 11 | 2 |
| Brookfield Garrison | £.4 | =2 | 6 | ... | ... | ... |
| Troopers | £.7 | =7 | = | £.2 | =7 | 6 |
| Zachery hock Garrison | £.2 | 17 | = | £.2 | 17 | = |
| Cap ^t Manning | £.89 | 12 | 2 | £.87 | =5 | 2 |
| Cap ^t Smith | £.22 | =7 | 3 | £.20 | =7 | 3 |
| Cap ^t Pound | £.8 | =3 | 6 | £.8 | =3 | 6 |
| Castle Accounts | £.3 | 11 | 4 | £.3 | 11 | 4 |
| West Hamshire Acc ^{ts} | £1.01 | =3 | 6½ | =88 | 15 | 1½ |
| Lievtenant Jorden | £.10 | 10 | = | £.10 | 10 | = |
| | £2972 | 12 | 7 | £ 2909 | =8 | 4. |
| | £2909 | =8 | 4 | | | |
| The Summe Totall = £:5882 | = | 11 | | | | |

PETER SERGEANT
JOHN WALLEY
FR^a BURROUGHS^e
JOSEPH PARSON." — *Mass.*

Archives, vol. 101, p. 214.

This resolve was passed, first, in the House, on the second of July, and was concurred in by the Council on the twelfth.

Chap. 58. This chapter is from council records, vol. VII., p. 138. It has not been found in the archives.

The order in Council* for the payment of this allowance was passed July 16, 1700.

Chap. 59. This chapter is from archives, vol. 58, p. 209. It is recorded in council records, vol. VII., p. 138.

See chapters 46, *ante*, and note, and 88, *post*, and note. The report of the committee is given in the note to the latter chapter.

Chap. 60. This chapter is from council records, vol. VII., p. 138. It has not been found in the archives.

The following is the order in Council for the payment of this allowance:—

"Aug. 5, 1700. Whereas the Committee appointed by the Great & General Court or Assembly at their Session begun & held at Boston the 20th day of May last, to treat with Peter Sergeant Esq^r for the hire of his house wherein his Excell^y the Earl of Bellomont lately dwelt, have reported their agreement That the sd Mr Sergeant be allowed & paid after the rate of one hundred pounds p annum for fourteen months and a halfe from his Lord^{sh}s entring thereon.

Advised and consented That his honour the Lient^t Governour issue forth his Warrant unto Mr Treasurer to pay unto the said Peter Sergeant Esq^r Rent for his sd house for the space of fourteen months and a halfe, after the rate of one hundred pounds p annum amounting to the sum of one hundred and twenty pounds, sixteen shillings and eight pence." — *Executive Records of the Council, vol. 3, p. 146.*

Chap. 61. This chapter is from council records, vol. VII., p. 138. It has not been found in the archives.

Bellomont sailed in the Arundel for New York, July 17, 1700. He died on the fifth of March, following.

Chap. 62. This chapter is from archives, vol. 70, p. 480. It is recorded in council records, vol. VII., p. 139.

This resolve, which originated in the House and was promptly concurred in by the Council and consented to by the Governor, became a subject of contention. The dispute was concerning the meaning of the grant of one hundred pounds, per annum, to the captain of the Castle. At the time this resolve was passed, Captain Elisha Hutchinson, who succeeded Captain John Fayerweather, July 16, 1701, held the position, but on a change of administration it devolved upon the new Lieutenant-Governor, Povey. By resolves, 1702, chapter 62, an allowance of two hundred pounds was granted to Povey, as "Lieutenant Governor, and Commander of the Castle, for the present Year," etc. The following year an allowance of one hundred pounds only was granted,† in words importing that it was "towards" Povey's "support in the publick Service" in both capacities. The Council,

* Executive Records of the Council, vol. 3, p. 136.

† Resolves, 1703-4, chapter 49.

interpreting the present chapter as having conferred upon Povey a fixed stipend or salary as captain of the Castle, ordered a proportionate sum to be put against his name on the pay-roll of the garrison, and also issued a warrant to the province treasurer for the payment of the allowance granted by the resolve of 1702. Upon the repetition of this proceeding in 1704 in payment of the last half year's salary for 1703-4, the House challenged the action of the Council as illegal and a breach of privilege, on the ground that the allowance voted that year included the Lieutenant-Governor's pay as captain of the Castle and so virtually superseded the provisions of the present chapter. Further details of this controversy are given in the notes to resolves, 1703-4, chapter 49, and 1704-5, chapter 32.

An order in Council* for the payment of the allowance granted in this chapter, which fell to Povey as captain of the Castle as well as for the allowance made to him as Lieutenant-Governor, was passed December 4, 1702, and by the province treasurer's account† it appears to have been paid.

Chap. 63. This chapter is from council records, vol. VII., p. 137, and archives, vol. 106, p. 478.

Chap. 64. This chapter is from council records, vol. VII., p. 139. It has not been found in the archives.

Chap. 65. This chapter is from council records, vol. VII., p. 140. It has not been found in the archives.

By the excise act‡ of June 29, 1700, "one fit person in each county respectively, and no more" was to be nominated and chosen by the General Court to be commissioner and collector of the duties of excise. On the fourth of July,§ Penn Townsend was chosen commissioner of excise for Suffolk County. The following extract from the council records will explain the passing of the present chapter:—

"July 13, 1700. Penn Townsend Esqr chosen by the Court to be Commissioner and Collector of the Duties of Excise granted by an Act passed this present Session, within the County of Suffolk, declining to Accept that Office, Capt Timothy Clarke was, by Vote of the Court chosen to the same, who also refusing to accept thereof, the Court proceeded to a new Election, And thereupon Capt Ephraim Savage, was Nominated, and Chosen to the said Office

Which is Consented to

BELLOMONT." — *Vol. VII.*,

p. 140.

Chap. 68. This chapter is from council records, vol. VII., p. 152, and archives, vol. 121, p. 104.

The committee under resolve 1699-1700, chapter 50, having reported to the Legislature as required by that chapter, were ordered by resolve 1700-1, chapter 50, to apportion the expense of rebuilding the bridge over Taunton Great River in the manner recommended in their report. They accordingly met at Taunton on the sixth of August and, after hearing messengers from the several towns except Dartmouth, agreed upon the following apportionment:—

"Where as the Great and General Court sitting at Boston the 10th; of July 1700 Did then and there Appoynt the former Committee Josiah Edson Joseph kent and John hunt to be a Committee to proportion too: each town what they shall pay towards the Building of taunton great bridg at the southerly part of the towne namely, taunton free town tiuerton Little Compton and Dart mouth Wee the Committe now being met at taunton the 6 Day of August 1700 and hauing Discorsed with the messengers of the abone said townes exsept Dert Mouth and hauing Considered the premises Doe proportion to each town as folloeth that is to say taunton to bere the one halfe of the Cherg of sd Bridg and the other half of the sd Bridg to be boarne by fretowne tiuerton Little Compton and Dart mouth these foure townes to pay theire proportions of the Charg of sd half of the Bridg as the are Assest in the prouince tax Last sasions at Boston May 1700 hear unto wee hane set to our hands the Day and yeare aboue Written

JOSIAH EDSON

JOSEPH KENT

JOHN HUNT." — *Mass.*

Archives, vol. 121, p. 106.

The town of Dartmouth, feeling aggrieved at being thus doomed to contribute to an enterprise in which they were not specially interested, applied to the General Court at the next session to be relieved of this burden, in the following petition:—

"To the Great and generall court or assembly of his majesties province of the massachusetts Bay in new England to be holden at Boston on the five and twentieth day of this instant September

The petetion of the Inhabetanc of the town of Dartmouth Humbly Sheweth that we haueing ben leatly called upon by Tanton men to act with them in building a bridg ouer their great Riuer and by them told that we are there unto ordered by a comitie of three men appointed by the court to proportion the charg of building said bridg on Tanton litle Compton Tenerton ffreetown and Dartmouth: we Humbly conscine that we shall be greatly Ronged and oppressed to be forced to be at any charg to build a bridg at Tanton first for that it is not our Road to any other town but so Remote from it that divers of our chefe travelers haue neuer yet seen the place: and in the next place we haue a uery great deal

* Executive Records of the Council, vol. 3, p. 393.

† *Mass. Archives*, vol. 122, p. 164.

‡ *Province Laws, 1700-1*, chapter 8.

§ *Council Records*, vol. VII., p. 122.

of work to make good the country Road that leads throug our own town: and that more then we can well acomplish to doe: the country Road lying at lest sixteen mills in our town wherin is four Riuers that we make bridges ouer and many uery bad swamps that Requier a great deal of labor to make the way pasable ouer them so that we Judg we haue more work in our own town to make good the country Road than they haue in Tanton proportionable to our people: and that we should be ordered to bear a great part of the charg of building a bridg at Tanton semes so hard to us that we can by no means willingly comply therto but are Rether willing to become bound to pay them twenty shillings a man for euery man of ours that shall at any time go ouer that bridg and we think they may be satisfied with that: and we pray the generall court to take notes how unreasonably we are Imposed upon in that notwithstanding the aboundene of work we haue on the country Road in our own town and that litle Compton haue none at all and their proper Road to Boston lys that way yet we are ordered to bear a greater part of the charg for building said bridg then litle Compton the which semes uery unreasonable unto us and therfore we pray that the Generall court will be pleased to consider therof and to Exscues us from being at charg to help build a bridg that is not like to be any benifit unto us: and in so doeing you will greatly oblige us your Humble petetioners to serue and obay all your Just demands: Dartmonth September the: 17: 1700: by order of the Town

THOMAS TABER Clerk." — *Ibid.*,

p. 104.

This petition, together, probably, with the award of the committee, or a copy thereof, was read, first, in the Council, on the fourteenth of February, 1700-1, when the Board ordered that it be considered in a committee of the whole Board the next day. On the twentieth the petition seems to have been sent down to the House with the order which constitutes this chapter annexed. In the House the order was read the next day and passed in concurrence.

Chap. 69. This chapter is from council records, vol. VII., p. 152. It is preserved in archives, vol. 113, p. 259.

The following is the petition referred to in this chapter:—

"To the Hon^{ble} William Stoughton Esq^r, Lieutenant Governour and Commander in chief in and over his Mat^{ys} Province of the Massachusetts Bay in New England, and to the Hon^{ble} Council and Representatives of the s^d Province, convened in General Assembly. February 1700./

The Petition of Richard Honnywell of Boston Mason

Humbly sheweth

That your Petitioner having obtained Licence according to Law, for the erecting a certain Tenement or Building with Timber, at the Northerly end of the s^d Town of Boston, Did, unadvisedly and without any thoughts of Contempt of the Law in that respect, make an additional Building of Timber thereunto; for y^e erecting of which his s^d Licence did not extend, And being presented to the Court of General sessions of the Peace held at Boston afores^d for the County of Suffolke on the first Tuesday in January last, the s^d Court required your Petitioner to enter into Recognizance to pull down & demolish the s^d Building, and your Petitioner did accordingly enter into such Recognizance.

But forasmuch as the pulling down & demolishing the s^d Building will be very much to the loss & damage of your Petitioner, And forasmuch also as he hath no reason to think but he might have obtained Licence for erecting the same as well as that to which it adjoyns, had your Petitioner but made proper applications for so doing, which he neglected as is before expressed, not out of contempt of the Law or the Authority, but merely through inadvertency & inconsideration

Your Petitioner therefore humbly prays That this Hon^{ble} Court would please to make such order as may discharge your Petitioner from his aforesaid Recognizance, and that he may not be obliged to pull down or demolish the afores^d Building —

And yor Pet^r shall ever pray &c." — *Mass. Archives*,

vol. 113, p. 259.

This petition was read, first, in the Council, on the twentieth of February, 1700-1, when the order which constitutes this chapter was passed thereon and sent to the representatives who, on the next day, voted their concurrence.

Chap. 70. This chapter is from council records, vol. VII., p. 153. It is preserved in archives, vol. 70, p. 497.

The following is the petition referred to in this chapter:—

"To the Right Honourable W^m Stoughton Esq^r Lieu^t Gov^r Comandr In Cheife &c: and to y^e Hon^{ble} Council, together with the Honou^{le} hous of Representatives, of this his Maj^{ts} province of the Massatusets Bay in New-England, assembled in Gen^{ll} Court ffeb: the twelfth in y^e twelfth Yeare of his Maj^{ts} Reigne, *annoq; Domini* 1700/1: The petetion of John Wilson sen^r of Billerica in y^e county of Midd^x in y^e province afors^d —

Most. Humbley Sheweth —

That Your Hon^{ts} petetion^r being caled by Authorety into his Maj^{ts} service agst y^e french and Indian Enemy, Eastw^d in ffebruary 1691: vnd^r the com^{and} of Col: Elisha Hutchinson as com^{and}r in chiefe, and your petetion^r was Lt vnd^r Captⁿ Jam^s Convers, but at y^e time of our Mustering at Woobourne my s^d Captⁿ was with Captⁿ Greenleaf sent out to strengthen & Encouridg y^e frontiers, and Your petetion^r pr order from y^e com^{and}r in chiefe lead away y^e companys to y^e Eastw^d and disperced them pr ord^r at Wels Kittree quoeckaw &c: then was my s^d captⁿ againe (vnexpectedly) sent awas* further east in ord^r to y^e Redemption of captiues &c: so that your petetion^r had the whole charge and care of the company (which was a very large companey) vntill y^e begining of June

* *Sic*: away.

92: when y^e captⁿ came to Wels two or three dayes before y^e Indians attack^d y^e towne and sloop^s &c. which time y^t your petet^r had y^e charge as afors^d was about sixteene Weeks, and being ordered by y^e comander in cheife to post away very often from one place to an other to look after y^e soldiers &c: I was forced to keep A horse at my own charge, which horse I caryed from hom with me, and besides all this trouble and care, wherein I did y^e buisenes of a captⁿ for y^e whole sixteene weeks y^e exspences of Muster- ing, and vpon y^e March, and from towne to towne and my horse going post to Boston, y^e service of my horse all su^mer, and my pocket Exspences were necessarily more yⁿ ten pounds, and yet I never had any allowance for all this more yⁿ a Lt^s pay, If Your Hon^{rs} pleas to Inquire of Maj^r Convers he can Informe this High and Hon^{le} Court more perticularly for your sattesfaction therein

Your petetion^{rs} prayer to Your Hon^{rs} is y^t the premises may be duly considered, and som meet allowance granted him, y^t he may haue y^e like Incouragem^t with others in like case and y^t Your Petetion^r may not goe a warfare on his own charge,—so shall he ever pray &c

JOHN WILLSON." — *Mass.*

Archives, vol. 70, p. 496.

This petition was read, first, in the House, on the nineteenth of February, and was referred to the proper committee, who reported "that there should be paid" the petitioner, "out of the province treasury, three pounds for his extraordinary expenses." On the twenty-first the House passed an order in conformity to this report, which on being sent to the Council on the twenty-fourth, was concurred in.

The order in Council* for the payment of this allowance was passed March 15, 1700-1.

Chap. 71. This chapter is from council records, vol. VII., p. 154. It is preserved in archives, vol. 70, p. 508.

The following is the petition mentioned in this chapter:—

"To the hon^{ble} house of Representatives for the Province of the Massachusetts Bay in New England now assembled in Gen^{rl} Court att Boston

The Petition of Thomas Jackson of Piscataqua—

Humbly sheweth

That Yo^r Petition^{rs} son Thomas Jackson served their Maj^{ties} in the late Expedition to Cannada ag^t y^e Common Enemy, and was Entred on board the six friends the 9th of July 1690 and continued thereupon untill the Twenty fifth of Novemb^r then next following att w^{ch} time he was discharged into y^e hospitall Ketch which afterwards suffred shipwreck, butt y^e men being saved by anothr vessell yo^r Petition^{rs} son among the rest was accidentally Carried to Barbados, where according to Informacōn they arrived, on or about y^e Ninth day of January then following where yo^r Petition^{rs} son with others were Impressed into their then Maj^{ties} service on board a man of Warr where afterwards he departed this life.

That Yo^r Petition^r in May Last past Petitioned this hon^{ble} Court for his son's wages (by reason he dyed in his minority) and as yo^r Petition^r understands y^e upper house granted his Petition, w^{ch} was sent downe afterwards to & for this Lower house's concurrence, who not then seeing cause to grant the same; it hath Laine dormant ever since.

Now Forasmuch as y^e ships bookes doth evince it that noe wages hitherto has been payd for yo^r Petition^{rs} son's service, And Yo^r Petition^r being a poore man and in much want thereof. he humbly prayes that you will please to Consider the premisses, soe as that he may have some order passed for the receiveing of s^d wages.

And Yo^r Petition^r as in duty bound shall ever pray &c —

Mem^d one Mr Bedloe mate of y^e vessell that Tooke up the men from y^e hospitall Ketch and carried them to Barbados affirmed that y^e men were there Impressed into their Maj^{ties} service as above is declared." — *Mass. Archives, vol. 70, p. 507.*

With his petition Jackson filed the following certificate:—

"Boston July y^e first 1700

These are to sertife y^t Thomas Jackson Copers-Mag was Entered one board his Mat^s Hiered shipp y^e six frinds July. y^e 9th 1690 & Continued in said shipp till y^e 25th of nouember following; at which time, he was discharged into y^e Hospitall Ketch Mary ann; by reason of sicknes; his name stands oppen in y^e ships book now in my hands, but whether aine tickett has bene granted, by aine other I know nott/

his name in y^e Booke Is n^o 45

GREGORY SUGER." — *Ibid., p. 509.*

These papers appear to have been read in the House on the nineteenth of February, 1700-1, and referred to a committee who reported that six pounds ought to be paid the petitioner and accordingly, on the twenty-second, the order which constitutes this chapter was passed in the House, and on the twenty-fifth it was concurred in by the Council.

The order in Council* for the payment of this allowance was passed March 15, 1700-1.

Chap. 72. This chapter is from council records, vol. VII., p. 156. It is preserved in archives, vol. 40, p. 647.

Chap. 77. This chapter is from council records, vol. VII., p. 166. It has not been found in the archives.

The order in Council† for the payment of this allowance was passed August 1, 1701.

Chap. 78. This chapter is from council records, vol. VII., p. 167. It is preserved in archives, vol. 70, p. 506.

* Executive Records of the Council, vol. 3, p. 186.

† *Ibid.*, p. 227.

The following is the petition mentioned in this chapter : —

“Province of y^e
Massachusetts Bay
in New England//
sc

To the R^t Hon^{ble} y^e L^t Gouvernour & Council
& Representatives in Generall Court assembled
at Boston Febru^r 1700/701

The Humble Peticon of John Ellenwood of Beuerly in y^e Countey of Essex in s^d Province

humbly sheweth

That whereas your poor distrest petitioner was in y^e latter End of y^e first Indian Warr viz about y^e yeare of Our Lord God 1676 Imprest & sent to y^e Eastward as a souldier in y^e Countrey service against y^e Indian Enemy & in y^e Towne of Wells being then vnder y^e Command of Cap^t Frost & Lein^t Sweat your petitioner was sorely wounded in my right hand my fore finger being shott away & y^e rest of my hand so greivously shattered & Torn & bones broaken y^t it hath been thereby rendred almost altogether vseless Euer since Whereby its very difficult for me to provide for my wife & family haueing 6 Children which otherwise were my hand well with y^e blessing of God I could Comfortably doe.

Wherefore your supliant prays that this Hon^{ble} Court would Consider off & Compassionate my sorrowfull Condition & Either allow me some small yearly stipend or some Certaine summe towards my Releife as in yor wisdom you may think best. Yor petitioner doth Gratefully acknowledge that some small Matter hath been done for me formerly which hopes may not hinder something further being done & yor petition^r as in Duty Bound shall allwaes pray &c

Marke of

JOHN A ELLENWOOD.” — *Mass.*

Archives, vol. 70, p. 505.

Below this petition the following certificate was written : —

“Wee y^e subscribers being souldiers at y^e same time with John Ellenwood doe Certify yt to our Certaine knowledge he was wounded as aboues^d as witness our hands. this. Feb. — 1700/701

his mark

THOMAS T PARLOR
SAML^L COLLINS.” — *Ibid.*

The following certificate was endorsed on the petition : “Henry Herrick Constable 1680

In the year — 1680 I heard Hennerly Herick Constable of Beuerly say that he payed forty shillins out of A country Rate to this petitioner John Elenwoord By me

ROGER HASCOLL.” — *Ibid.*

These papers were read, first, in the House, and referred to a committee, who reported that the petitioner should have the relief granted by this vote. Accordingly, on the eighth of March the vote which is incorporated in this chapter was passed, and was concurred in by the Council on the eleventh.

The order in Council* for the payment of this allowance was passed March 15, 1700-1.

The treasurer's accounts† show the payment of one instalment of the pension.

Chap. 79. This chapter is from council records, vol. VII., p. 169, and archives, vol. 101, p. 179.

The following is the petition mentioned in the preamble to this chapter : —

“To the Honored Leift^t Governor, Council & Representatives Assembled in Generall Court February. 12th 1700/1 The humble Petition of James Russell Exceutor^r to his Honored ffather Richard Russell Esqr Late Treasurer for the Country, humbly Sheweth —

That whereas my Honored ffather Richard Russell Esqr was Treasurer for the Massachusetts Collony above Thirty Years & Died in their Service in May 1676, being the Time of the Indian Warr, & Stood Charged with Eleven Rates in Country Pay Amounting To £15351^{li} 5^s 10^d : as also with Customes & Excise which he Gave the Country Credit for 1226^{li} 18^s 1^d Also for Severalls Returned To him on the Issue of the Dutch Expedition in Anno : 1674 : & disbursm^{ts} by him Amounting To 942^{li} 18^s 4^d all which Somes wth other disbursments Amounted to : 19221^{li} 2^s 6^d : which were all Allowed of by A Committee Appointed by the Honored Gener^l Court To be Paid by his Said ffather, & his Exceutor James Russell as of Record doth Appear ; and there was on the Issue of said Acco^{ts} due to James Russell as Exceutor to his said ffather, the Some of : 514^{li} 4^s 7^d : deducting 205^{li} out of What said Russell Charged for his honored ffathers Trouble & charges Acecepting £150^{li} : which was all that was allowed vpon all Accompts, as y^e Record herewith p^rsented doth appear ; After which said Russell presented Two Petitions To y^e honored Generall Court, (one in 1676 : & the other in 1677 :) refering to y^e Premises, and for a Committee to Inspect his remaineing Accompts, w^{ch} were Never Yett Considered ; Nor ffarther moved by yor Petitioner as he knows of His ffomer Petitions being so Little Regarded, becaus of the Great Burden y^t Lay vpon the Country by Reason of the warr ; and the accompt was then Entred in my honor^d ffathers Country Book to be p^rsented in a more Convenient season, which Thorow : divine Goodness wee are now arived at ; God haveing now given the Country peace, and Ability to pay all their old Debts ; and they have also Manifestd Their Justice in Sattisfying old Arrears due in the Time of Sr. Edmund Andros his Government, and Grattisfying others for ffomer Service don^{ne}, w^{ch} Encorages mee to seeke after my Just due, (my honored ffather not Liveing to demand it ;) and I his Exceutor have not, as Yett had one penny for my sd ffathers Transacting the Countreyes Business, from Octobr 1673 : To May : 1676. nor any Consideration for loss and Damage on abov^d 19000^{li} : Acco^{ts} as Appears by the Accompt now herewith presented, which Yor Petitioner desires may be Considered, Together with

* Executive Records of the Council, vol. 3, p. 186.

† Mass. Archives, vol. 122, p. 166.

his former petitions, and the Accompts of what he paid After his ffathers deceas, as also the allowance of Interest for 200^{li}: Money Taken vp to pay the Sea-men, & Vessells on the Duth Expedition In 1674: which I have paid Interest for, ever since, & have been forced to Change the Credito^{rs}, w^{ch} has been very Troublesome & afflictive to mee, & Still continues so; Also the Loss vpon Rates That I could never gett, Amo^{ts} to about 300^{li}: and Loss on Cap^t Hudsons Debt being about 390^{li}; great part whereof did Arise vpon his draft Raised from 30^{li}: to 50^{li}: P^{er} Annum, which y^e Country Ought To Bear at least one third of; My honored ffather haveing paid the Country & he Could not gett it; all which Together with Losses, charges & other Damages, I desire may be referred to the Standing Committee for Debenters or whom this honored Court shall Appoint that so this Affair may be settled and my Just dues paid referring to the premises. —

Also Your Petitioner was Chosen Treasurer for y^e Country in the Year 1680: and so Successively five Years together, dureing which Time, according To Ord^{rs} ffrom y^e Generall Court, he Issued out Warrants for Nine distinct Taxes Amounting to in Mony £9449^{li}: 17^s: 11^d: & in Country pay £7972^{li}: 12^s: 4^d: and also Received in Customes & Excise £3018^{li}: 11^s: 1^d. . The whole of y^e Acco^{ts} he Transacted Amounted to £20441^{li}: 1^s: 4^d: for w^{ch} some he Accompted, and was Nessessitated (in order to procureing discharges from the Country, the Times being hazardus) To take all the Arrears of Rates, & Losses thereby vpon himselfe, considerable part of the same being then Standing out; he was also ordered to Borrow 200^{li}: in mony for the Country on the Accompt of Supplyeing our Agents in England &c. And Cap^t Hull the former Treasurer ordered him to pay 100^{li}: of an Orphans money he borrowed for the Country, which the persons Concerned prswaded said Russell to give his own personall Obligation for Rather. then to Take the Countrys Credit, and so Left it in his hands, which he Could not dureing his Treasurership Clear, So much of y^e Rates being paid in the worst of Graine or Lumber y^t was most vnsaleable, So he was ffocused to pay Interest for the Same, & for part of it, Interest vpon Interst Till this day Not being Able to pay the principle, in regard he tooke all the Country pay on his own Accompt, & Could not Turne it into Money. And of So many Losses he has Mett with by Sea & Land, and som^e Occasioned by y^e Death of Sundry persons [y^t*] owed Considerably, and also by the Change of y^e Government, & by the Late Warr; and notwithstanding The Tronble & hazard Your petitioner did Run; the Allowance the Country made was So Inconsiderable as made him petition to be ffreed from his Treasurership After ffour Years Experience; I haveing perused my Books of Late & find for my Five Years Service & hazard & Loss in Country pay and Rates not reced, butt, £.497^{li}: 17^s: 6^d: and I was forced to Take Severall p^{re}ells of Land, & Cattle & horses, on which I had considerable Loss, and there are Severall Towns Yett in my Debt, on y^e Said Acco^{ts} which I could Never Gett; I was Also chosen A Magistrate in y^e Year 1689: & served the Country Three years in y^t Capacity in the Generall Court & Council which in regard of the Distressing warr, Called for So much Attendance, at all Times & Seasons, and my Sonn Richard who was Serviceable in my Shop, was Taken away By Death; so that I was forced to Leave It to a Careles Youth which Proved Extreamly to my prejudice, for w^{ch} I have had no Consideratiō So that I can Truly say my honored ffathers & my own concienacious Zeall in Serveing our Country above ffivety Years in publick stations, has been Extreamly to our prejudice, and is like to be ruinous to your petitioner, if the Justice of this Court do not prevent it by ordering Sutable allowance for & y^e Paym^{ts} of what has ben so long since disburs^d for y^e Country in their Extream Necessity, & also for Service doie for them; According to the present allowances that are made for y^e Like Services by This Honored Court. & So Yo^r petitioner shall Ever pray for Yo^r prosperity who Remaines.

Yo^r Humble Serv^t

J^A: RUSSELL." — *Mass.*

Archives, vol. 101, p. 177.

The order passed on this petition was read, first, in the House, on the twelfth of March, and on the next day† it was concurred in by the Council. See, further, resolves, 1701-2, chapter 18.

Chap. 80. This chapter is from council records, vol. VII., p. 169. It is preserved in archives, vol. 40, p. 669. See note ‡ on p. 8, *ante*.

The following is the petition referred to in this chapter: —

"To the Hon^{ble} the Lein^t Gov^r Council and house of Representatives for the Province of the Massachusetts Bay now Conven'd in Generall Assenbly in Boston

The Petition of Benjamin Church of Bristoll in the County of Bristol in behalf and att the Request of Daniel Wilcocks formerly of Tiverton now resideing att Rhoad Island.

Humbly sheweth

That Whereas the sd Wilcocks was formerly fined by sentence of Court the summe of One hundred and fifty pounds to his Maj^{tie} & hath neglected and refused to pay the same, till poverty and old age is come on him & his family, and his wife being now mad and distracted, w^{ch} hath occasioned yo^r Petition^r to p^{re}snt the said Wilcocks proposall to this high and hon^{ble} Court, for satisfaction of said fine in ord^r to his peaceable returne to his Family att Tiverton. Which is This viz^t That if the said Wilcocks doe Give a firme deed of Sale to the Province as yo^r hon^{rs} shall direct of the severall Tracts of Land hereund^r mencōned That is to say, an One hundred and twenty acre Lott being y^e fourteenth in Number. and one Forty acre Lott being y^e second in Number as appears on Record in the purchasers Booke of record in Tiverton, and a Thirtyeth part or whole share of a tract of Land that is undivided belonging to Tiverton, bounded as followeth viz^t South-erly by the Lands of Dartmouth, West by Lands of tiverton & free towne and Northerly by Lands of Middleborough extending East to a place knowne by the name of Qitticus.

* Manuscript mutilated.

† Upon the original order the date of the Council's concurrence is given as the eleventh, but in the council records the date is given as above.

That then upon compleateing y^e said Deed according to Direction the sd Wilcocks may be sett att Liberty to goe home to his Distressed family.

And yor Petiti^or as in duty bound shall pray &c." — *Mass. Archives*, vol. 40, p. 669.

On the eleventh of March this petition was read in the House, a first time, and the resolve which constitutes this chapter was passed thereon and sent up for concurrence. On the thirteenth it was concurred in by the Council.

The incidents which led to the passage of this chapter have been partly described in the note to resolves, 1696-7, chapter 64; but they are sufficiently interesting and important to be more fully narrated here.

The patent issued by the Council of New England, January 13, 1629-30, granted to William Bradford and his associates of the colony of New Plymouth, territory bounded by the "Rivolet or Rundlett . . . *Coahassett alias Conahasset*, towards the north" and the Narragansett River "towards the South," and extending, within those boundaries (from the ocean on the east), on straight lines, "directly . . . upp into the maine Land towards the West, from the mouth of the said River called *Narragansetts River*, to the vtmost Limitts and Bounds of a Cuntry . . . called *Pokenacutt, alias Sowamsett*, westward."*

Though, for want of geographical knowledge at that time, the direction and location of these boundaries do not correspond with what is now known of the position of the country, they were sufficiently definite to warrant the colony of New Plymouth in laying claim to all the territory included in the present townships of Little Compton, Tiverton, and Bristol, and the lands north and east of this territory and south of the Massachusetts line. The united settlements of Providence Plantations, Aquidneck, and Conanicut had formed a local government which had been recognized by the crown, in patents or commissions; but the dominion of Providence Plantations was founded in occupancy, with the consent of the Indians, and was gradually extended over adjacent lands claimed by New Plymouth or Massachusetts — a claim, however, not jealously maintained against their English neighbors on Narragansett Bay. Upon the receipt of the royal charter of 1663, the Rhode Island government found that, by the form of their grant, they were entitled to a strip of land three miles wide on the east of the eastern branch of Narragansett Bay including Seaconnet, or Little Compton, Tiverton, and Bristol. This claim they submitted to the Royal Commissioners, in 1665, for confirmation; but the latter, finding the claim of New Plymouth to this territory presumably valid, declared in their report to the Earl of Arlington, secretary of state, that they had established Narragansett Bay as the true bounds between the colonies of Plymouth and Rhode Island, "till his majesty's pleasure should be known." On the union of the colonies of New Plymouth and Massachusetts Bay under the province charter, therefore, the laws enacted at Boston were put in force with customary rigor.

The leading settlers of this territory emigrated from the towns of Plymouth and Duxbury, carrying with them the faith and discipline of their fathers; but the proximity of the place to Rhode Island and Providence Plantations, which had long been a sanctuary for all sorts of dissenters from the established order of civil and ecclesiastical discipline in the Pilgrim and Puritan commonwealths, had drawn in some Quakers, and numerous representatives of several kinds of Baptists. The rigid enforcement of the laws of Massachusetts was exceedingly obnoxious to these dissenters, who had become accustomed to a free and easy course of living, under laws to which they submitted only when it suited their humor and convenience. It would seem that the most intolerable burden which the new laws imposed upon them was the provisions for coercing them, by taxation, to support "an able, learned and orthodox" ministry, and to contribute to the building and repair of meeting-houses for the orthodox worship.

It also appears that Christopher Almy, or Amy, one of the settlers of Pocasset (Tiverton), had conceived the idea of extending the jurisdiction of Rhode Island to the boundary line which had been rejected by the Royal Commissioners. Almy, who, with others, in 1679 or 1680, had signed an engagement to the General Court of New Plymouth to settle and support a minister for the two adjoining plantations of Seaconnet and Pocasset, had joined the Quakers, and had become a political leader in Rhode Island. It is evident that a principal, if not the only, motive for this attempt to extend the bounds of Rhode Island was to secure exemption from taxation by Massachusetts. Almy's chief coadjutors in this scheme were Daniel Wilcock† and Henry Head, of Little Compton, who had been chosen deputies from that town to the first provincial assembly at Boston, where, probably, they hoped to be able to give more efficient aid in procuring the consent of Massachusetts to a separation.

These associates, however, first applied to the Assembly of Rhode Island, as shown by the following petition: —

"To ye Honoured Gov^r Deputy Gov^r Assis^{ts} & Deputies The Country's Representatives, now sitting in Court in providence this 26 oct: 1692

Honoured Gentlemen wee haveing been lately Informed yt m^r Joⁿ Saffin & others Intended to erect & hold court at this town of Little Compton, did immediately vpon notice thereof desire our freinds and neighbours Capt: Christopher Almy & Capt: Tho: Townsend or either of them to acquaint ye Honourd Gov^r & Assis^{ts} on ye Island with the same, yt soe if they did see cause there might be a prohibition sent to forbid any such yt should presume to hold Court there it being within the bounds of y^r majesties Collony of Rhoad Island & providence plantation of w^{ch} wee lookt at our selves members, & ye Gov^r not being in ye Colony at yt time ye s^d Capt Almy acquainted m^r Caleb Carr with ye matter & he was willing if any two of off^r the Assistants would Joyne with him soe ye sd Almy went to m^r Benedict Arnold & he sd he was not willing to Joyne in such a thing at present but rather leave it till ye Assembly sate Then ye sd Almy went where m^r

* Hazard's Historical Collections, vol. I., p. 300.

† So written by himself, but, by others, Wilcock, Wilcocks, or Wilcox.

‡ *Sic.*

Thurston & m^r Slocomb & m^r John Easton Jun^r was together & declared his buisness to them, & they refused to act in ye premises for reasons best known to them selves w^{ch} put our good freind Capt Almy to ye trouble to travel to providence & warwick to ye Hon^d Deputy Gov^r major Joⁿ Green & m^r Stephen Arnold & m^r Ben : Smith Assis^{ts} who s^d vpon such information & complaint as was then exhibited by ye s^d Almy on our behalves & his own they could not deny sending a prohibition for ye prevention of such matters vntil their majesties pleasures was farther Known in yt cause w^{ch} was brought to vs by our s^d freind Capt: Almy who informed vs yt ye general Assembly was to sitt ye 26 of this Instant oct: & intended to send a man to England with an address to their majesties for a Confirmation of y^r Charter & was gathering moneys by a free Contribution towards ye charge thereof Gentlemen wee shall be willing & ready to bear our equal proportion of to ye vttmost of our Abillitys, provided yt wee may be owned & protected in all things lawfull within & by yt Government & * if you please to appoint a surveigher to run ye line on ye east side according to charter wee will be at ye charg thereof yt our East line or bounds may be Known & what else may arise in order to this our petition wee leave to our Trusty freind Capt Almy to speak to as occation who intends to be present at your sitting Subscribed by vs for our selves & in behalfe of the rest of our neighbours in Little Compton 28 Sépt: 1692

DANIELL WILCOKS

HENRY HEAD

DAVID LAKE." — *Ibid.*, vol. 2, p. 60.

The order passed by the Assembly upon this petition was as follows:—

"In Answer to the patition of diners persons Inhabitants of little Comton conserning Runing the line on the Eastorly bounds of y^e patten & Apoynting a sorneyer for that End & porpos and that the said inhabitants of little Comton will be at the Charge ther of this Assmly haneing taken the mater in to theirs serious consideration & finding that the Royall patten granted to the inhabitants of y^e masetusets bay it is bounded on their mages^{ty}s Collony of Rhoad Island and prouidence plantations and the Eastorly bounds ther of being the westorly bounds of said prouince of the masatusets bay by their maies^{ty}s desistion Therefore for y^e prouention of discord that may Arise be twext their majes^{ty} said collony & prouince for want of Runing the line; it is ordored by this Assmly that the patitioners Capt Christofo Almy daniell willcocks henry head & dauid Lake in behalfe of them & others doe with all conuenient speed Imploy John smith surneyer to Run the line of of* the Eastern bounds of y^e Royall patten of the collony of Rhoad Island & prouidence plantations Granted by his late majes^{ty} king Charls y^e second of blesed memory According to said Chartor always provided it be peasably done with out force or violence in y^e Execution ther of; and y^e patitioners to be at the charg therof

it is further ordored that A few lines be drawn up to send to his Exeleye sir william phips Gonenor to signify that for the preuention of discord betwixt the Collony and prouince we haue ordored the said bounderys to be Run that thay may not Ignorantly intrud on Each other." — *Ibid.*

Thereupon, Governor Easton sent to Phips the following notification of the foregoing proceedings:—

"Honored sir this is to informe you that Cap^t Christopher Almy and some of the Inhabitantes of litle Compton havinge petitioned the Asembly of this their Majesties Collony of Rhode Island & Providence Plantationes now sitinge that the Lines of the Eastern boundes of this their Majesties Collony may bee run by a surveyor — The Asembly takinge the mater into their serious consideratiō & findinge that the Royall Charter granted to the Inhabitants of the Province of the Massachusetts Bay is by their Majesties apointment bounded partly on this their Majesties sayd Collony therefore for the prevention of discord that might arise by reason of the uncertainty of the boundes this Asembly have ordered John Smith surveyor to bee employed to run the lines of y^e Eastern boundes according to ye Charter with all convenient speed, And therefore have thought fit to acquaint you therwith that if it may bee there may bee a concurance therin that each may knowe their certaine bounder if you please to apoint any to see y^e same — the time apointed if weather hinder not is the 14th of November next at the house of Thomas Kinge neere Assonet, & so wee take leave & remaine your servants wherin You serve their Majesties By order of the Generall Asembly of their Majesties Collony of Rhode Island & Providence Plantationes Sitinge at Providence October the 26th 1692

JOHN EASTON GO^u." — *Ibid.*, p. 61.

The scheme was promptly and vigorously opposed by the Governor and Council of Massachusetts, as appears by the following entry in the exeutive records:—

"Nov. 2. 1692. His Excellency laid before the Council, a letter he had lately received, signed John Easton Governour by Order of the General Assembly of their Majesties Colony of Rhode Island &c^a importing, that upon the Petition of Christopher Almey and some of the Inhabitants of Little Compton, they had Ordered John Smith Surveyor to be employed to run the lines of the Eastern bounds of that Colony on the 14th currant, at the house of Thomas King near Assonet, a place lying considerably within the bounds of the late Colony of New Plimouth, now part of this their Maj^{ties} Province.

Advised. That his Excellency do forthwith dispatch a letter to the Government of Rhode Island to forewarn them and forbid the running of any such line, & that Elisba Hutchinson and John Walley Esq^{rs} be desired to goe to the place at the time appointed to prevent and hinder the attempting of the same. And likewise that a Messenger be sent to Little Compton to take into Custody and bring to Boston before this Board the s^d Christopher Almey Sen^r, Daniel Wilcox and Henry Head, Inhabitants of Little Compton to give an account of their doings, referring to severall complaints that have been made against them, for opposing of their Maj^{ties} authority and Government here Estab^{lished}, and the Orders of the same.

WILLIAM PHIPS." — *Vol. 2, p. 199.*

This led to further correspondence, which will appear with the resolves, orders, etc., relating to the establishment, etc., of towns, etc.

In the mean time the messenger sent to arrest Almy and his associates had met with such active and violent resistance by the three whom he was ordered to arrest, and by their accomplices, that he had been unable to execute his warrant. This having been communicated to the Governor and Council by Elisha Hutchinson, one of the committee sent to prevent the proposed running of the boundary, and the charge against the offenders of publicly uttering mutinous and seditious words being supported by the deposition of Major Benjamin Church, another warrant was issued for the arrest of the three, and committed to Samuel Gookin, as messenger, who was required to take with him a sufficient force to enable him to execute the same. The record of the order in Council for this proceeding is as follows:—

“Nov. 23, 1692. Elisha Hutchinson Esq^{re} Reporting to the Board, the Insolent and Rebellious Carriages of Christopher Almy Sen^r Daniel Wilcox and Henry Head of Little Compton with their accomplices, in opposing and resisting of the Messenger Impowred by his Excellen^{cy}s warrant to take them into Custody and to bring them to Boston, to give an account of their doings, referring to severall Misdemeanours, whereof they were complained; having assembled a considerable number of People, with Clubs and Staves in a tumultuous & riotous manner to joyn with and Abet them: The Testimony of Major Benjamin Church being also produced of mutinous, seditious, and Rebellious words, publicly uttered by the said Almy against their Maj^{ties} authority and Government.

Ordered. That a Warrant be made out unto Mr Samuel Gookin Messenger, takeing with him such assistance as shall be necessary to seize and take the said persons with their accomplices, and to bring them before this Board, to give an account of their said doings & what else shall be objected agst them on their Maj^{ties} behalfe.

WILLIAM PHIPS.” — *Ibid.*, p. 204.

The following is the form of the warrant:—

“Sr William Phips K^{nt} Captain General & Governor in Chief in and over their Mat^{ies} Province of the Massachusetts Bay in New-England

To all their Mat^{ies} Justices and Officers Civil and Military within the Countys of Plimouth & Bristol, to whome these presents shall come or may hear the same read Greeting &c Whereas Christopher Almy Sen^r Daniel Wilcox, Henry Head, William Briggs and other their Accomplices, Inhabitants of Little Compton, stand accused of sundry high misdemeanours, and some of them for uttering mutinous seditious and rebellious words against their Mat^{ies} Authority and Government; For which warrant is granted forth by my selfe & Council directed unto m^r Sam^l Gookin messenger to take the bodies of the said persons and to cause them to be brought to answer for their s^d Crimes. These are therefore in their Mat^{ies} names to will and Command you and every of you respectively to require and give such Assistance unto the said Messeng^r in the Execution of the said warrant as he shall desire, and may be necessary & effectual for the Seizing and takeing of the said persons or any of them, & conveying of them to Boston hereof faile not as you will answer y^{or} neglect at y^{or} utmost peril. Given under my hand & Seal at Boston the 28th day of Novembr 1692. In the ffourth year of their Mat^{ies} Reign.

W[ILLIAM] P[HIPS].” — *Mass.*

Archives, vol. 40, p. 275.

At the same time Phips wrote as follows to the Governor and Council of Rhode Island and Providence Plantations:—

“Gentlemen

I Expected by what I received in a letter from y^{or} Governour That the Caution and forewarning w^{ch} I lately gave you against your preposterous motion for the running of a line within the boundaries of this their Maj^{ties} Province should have had that Effect as to have caused you Authoritatively to have forbidden the attempting of the same, and not inconsiderately to be hurried into any mischiefs or inconveniences by the rash and Sordid humours of some giddy & brain Sick fellows, imagining to justifie their tumultuous and riotous Actions, by the Countenance of your Authority, which will prove vain to shelter them against the just Censures of the Law. I have received Information and Evidence will be produced against Some of those Bravado's that they have publicly uttered Mutinous, Seditious and Rebellious words and Speeches against their Maj^{ties} Authority and Government, for which they must Expect to be Called to answer, And I have granted out a Warrant for their apprehension, particularly Christopher Almy Sen^r Daniel Wilcox, Henry Head, and William Briggs Inhabitants of Little Compton within the County of Bristol and others their Accomplices, who possibly may think to Escape by flying over within the Limits of your Government If any of them should so do, I reasonably Expect, that none of their Maj^{ties} Governments be a Sanctuary for Such Criminals, but that you forthwith will cause them to be taken into Custody, and Safely Conveyed & Delivered unto Mr Samuel Gookin the Messenger whom I now Send, or to some of their Maj^{ties} Justices or other Officers within the County of Bristol to be by them sent to Boston as you tender your duty and allegiance unto their Maj^{ties} If otherwise you shall Connive and harbour any such offenders, you will do well to Consider what Resentment their Maj^{ties} will have thereof when it shall be layed before them, but perswading my Self you will be better advised than so to act I am

Y^{or} friend

Boston Nov^r 28. 1692 —
vol. 2, p. 62.

W[ILLIAM] P[HIPS].” — *Ibid.*,

To the foregoing letter the following reply was received:—

“Sir —

we hope we shall haue noe caus to sheltor Any here: that you claime to be your inhabitants of litle comton Against their being Accused by you for what is crimenall contrary to their majest^{ys} laws

but Cap^{tn} Christofo^r Almy is an inhabitant of Rhoad Island and we conclud that he being here that he should only be prosecuted in our Jurisdiction how Euer he may be charged by Any of our neighboring collonys./.

our Assembly haueing Alredy sent A Letter to your Gouenor: which we know was not Recened when he writ his to our Gouener & counceill y^e 28th of noum^r 1692 So we thinke this is all y^t is needfull at present

This 3 day of decemer 1692

JOHN EASTON Go^u
EDUARD HURST Ast
BENEDICT ARNOLD asist
JOHN EASTON Assis^t. — *Ibid.*

Gookin's demonstration did not succeed as is shown in the following narrative of this expedition, which he sent to the Governor:—

“Sr

In Psuence to yo^r Exceclency^s Comand, Being Accompanied wth a bout Twenty Men I Trauelled the first night to Bridge water, were wth much difficulty and wintering the next day was Strengthened wth 8 men more I marched to Tanton, where I found Cap^t Leonard very Ready to assist me But his men as vnwilling yet he did wth more difficulty p^recured 18 men poorly appoint wth amunition some haueing not one Charge of powder, But not wthstanding many discourgements I marched To Litle Compton and assoon as we Come vpon the Hill on this side the ferry being discouerd By Some on Road lland Side there was 2 Gunns fired wth a great Shooete of people. But P^rceeding on to Eatons on Litle Compton, where we quated on frieday night Being accompanied wth Cap^t Leonard and met wth major Church and Justice Church and aduiseing wth them (who where faithfull and kind) w^t Respect to the work of the morrow, w^{ch} was to Effect my Errand w^{ch} your Excellcy: And Hon^d Counceill Sent me about and By Inquiry perceiuing the Rebbells were gathered to a Considerable head at one heads House I fitted my Company for to Seize the delinquents the next moring Being Satterday as I was mounting I was Informed they were moued to wulcox were we found them, and drawing vp my troop and Surrounding the house, appointed a Guard At the fore and Baek dore: I looked In at window I tould them my Buisnes and Read yo^r warrent to them and demd* som of the P^riple delinquents and gaue them halfe a quarter of an Hour for their answer, who did Reply wth many prouokin Expresions as Could Be vttered By diuillish and desparate men the time Being out I Came to a determination to Break open the front dore wth a g^t Stone w^{ch} occasioned to offer a Shot at me out of the window near me But did not shooete Those that were of my Guard was most of them litle Compton and Tanton men who proued Backward to assit me, the P^rSons wthin Being too Strong Shutt the dore agst me I am Jealous Some of my Tanton and litle Compton men was Couardly or Trechorus, Sr By my own obseruation and other we Count there about forty men In the hous and almost so meny vnder fencees and other places about y^e thet House, I was So provoked that I Threatned. them to fire the Hous w^{ch} occasioned Seauen of the men to desir to Come out who did wth a Ladder from the Chamber window who did Inform vs that there was forty men In the Hous well armed and Resoulnd to dye (.ther Base Behaur my Leiut Arnold will Inform you more p^rticularly I haue Had the Company and aduice In all my actions of Cap^t Leonard Justice Church and maj^r Church) and we doe Conclude that they are soe desparate that ther need finety Resoulnd men to Subdue them more then we haue, for my own part I doe Beleine there must Be an Effusion of Blood Before they Be subdued and I am willing to Spare Some to Effect it, yo^r Excecleny^s Gouermt will be much weakened if the Rebbells Be not suppresed, But Refferreing the P^rmisses to yo^r Excelley^s wisdom I Subscribe Yo^r Excecleny humble Seru^t

SAMLL GOOKIN

I pray your Excellney If you Improue me further that I May Hane Resolued men and a Larger warrent and not not^t only Be sent Like Cap^t prentice Negro of a Message Litle Compton December 3 1692.” — *Ibid.*, p. 64.

Walley gave further particulars, and offered some advice, in the report which he made to Phips, as follows:—

“Bristol ye 4th Dec: 1692

May it please your Excellency

The Acc^t of ye present disappointmen[t†] of ye persons sent vp to Little Compton you have had an Acc^t off from m^r Googin, y^e [et] winds kept our fferry Boat from passing yt wee had not an Acc^t of yt affair vntil the Sabbath evening, I was soe far sensible of the resolution of the delinquents & y^r numbers yt when I heard there was but about fifty men came vp I was doubtfull of the event, There is a necessity of proseeuteing this matter to a speedy Issue, for if these men be not brought to punishment, there will not I am afraid any subjection be yeilded to authority by any or but few in these parts, they standing waiting for a result & it is said if Litle Compton cannot be made to pay y^r rates neither will they, whether past or to come, & I am afraid it will have an enfluence vpon other parts of the province, It is a hard matter to find men in these parts yt are willing to goe in this service, or if they goe yt will doe any good when they come there; It is said There party is encreasing, & wileox & Head are gone to warwick to major Green some say to secure themselves, but others say for to proeure men to y^r assistance wee had better have fifty men to many then to want ffive, Therefore hope you will send enough & to spare next time, for there is but little trust to men here, If it can be done in time beside others it might be well to have 50 or 60 choice pickt well affected men from Scituate marshfeild Duxsbury plymouth Sandwich & Barnstable &c I am afraid matters will not be effected without sufficient number well armed & sufficiently impowred, they make a jeare to see most of our men onely with pistols & stick not to say they Dare not shoot them; therefore doe beleive before there will be any thing effected there must be full &

* *Sic*: demanded?

† *Sic*.

‡ Manuscript mutilated.

Larg orders, for it is unlikely to provide for ail events; It is a question whether ye delinquents will be found if a considerable strength comes, there must therefore be directions given in yt case whether there may not be two of ye delinquents houses taken vp. for ye souldiers quarters Heads & wilcox Houses lye one at one end of ye Town & ye other towards ye other, it is pittie but they should be put in a way to live vpon ye delinquents estates & not oppress others Considering ye Length of ye Journey & ye time of ye year it may seame vnreasonable or to much boldness for me to advise your excellencys coming vp but could it be & besides what souldiers come to have enough besides with you to make a Council I would hope it would be the most likely way to put a Speedy & good Issue to this matter, & you might then have an oppertunity to exert your power or make your farther demands at Rhoad Island,

If this matter be not forthwith prosecuted & not left vntil the same be accomplished I am afraid it will be past cure, when Mr Googin read his com: they found he had no orders to fire shoot kill &c in case of resistance they made but a mock at it, it is said they will loose their lives before any man shall be carried away, Excuse ye Rudeness of these lines & accept of my sincere design to serve yr majesties your Excellency & ye province according as I am able who am your excellencys

most Humble servant

JOHN WALLEY." — *Ibid.*

Thereupon, it was promptly decided to grant Gookin's request that he receive "a larger warrant." It was advised that a military commission be issued to him. The record is as follows:—

"Dec. 6, 1692. His Excellency laid before the Council a letter received from Mr Samuel Gookin Messenger, dated the 4th currant from Little Compton, as also another . . . received from Major Walley, giving an accompt of the resistance made by Daniel Wilcox, Henry Head &c and their withstanding of their Majesties authority, and the number which they had drawn to them with armes to abet and protect them.

Advised. That his Excellency grant a Military Commission unto the said Captⁿ Samuel Gookin, Impowring him, in case the said offenders and open opposers of their Majties authority cannot otherwise be taken, then with force of armes to subdue, and bring them under his power.

WILLIAM PHIPS." — *Executive Records of the Council, vol. 2, p. 205.*

To avoid rashly proceeding to extremes it was thought best to issue a proclamation of amnesty to be sent to Gookin at the same time that a reenforcement of eighty men, under Captain Cullimore, was ordered to his assistance. Of this the Secretary informed Gookin in the following letter:—

"Boston, Decembr 8th 1692.

Sr/.

His Ex^cy, and Council have thought it advisable to Emit a Proclamation of Indempnity to such persons as have been unadvisedly inviegled and drawn in to take part with and Abet Christopher Almy and his Accomplises in Opposition to their Maties Authority and Government; upon their Submission; hoping that many of them may better consider with themselves & be ready to accept of their Maties grace and favour therein tendred unto them; If otherwise they shall be so hardy as to persist, It will be a high aggrevation of their offence and render them more inexcusable, whatever inconvenience and Severity may follow upon their refusal. —

the prudent management and good issue of this troublesome Affayre is of great moment, And lest the weather should prevent his Ex^cy's coming as was intended a Letter is written to Major Walley, desiring him to go over to advise and labour therein; And it is Expect^d that Cap^{ne} Cullimore of Situate may come to you with a further Assistance by that time you receive these; He is Esteemed a prudent person and has both an Interest in the place and persons there and gives Encouragem^t that he may be able to perswade and bring them to reason, he brings with him a Commission to yor Selfe; It will be most Eligible that the matter be Effected with the least Noyse or fforce, So as to prevent the Effusion of blood. when Major Walley and Captⁿ Cullimore are joyned you, you will be assisted with advice and otherwise, Let the persons that come in upon the Proclamation give in their names and make their Submission before one or more of their Majties Justices, Endeavor all possible dispatch that so you may return home, and in the interim give an Accompt of what shall occur; wishing yor good Success If you have already Seized any of the Abettors, let them give bond with Sureties to answer at ye next General Sessions of the Peace in ye County and in ye mean time to be of ye good behaviour.

By order in Council

I[SAAC] A[DDINGTON] Sec^{ry}." — *Mass.*

Archives, vol. 2, p. 65.

The Secretary notified Walley of these proceedings, and communicated to him further orders, as follows:—

"Boston Decembr 8th 1692—

Sr

Upon the Accompt given from m^r Gookin of the Opposition that he met with at little Compton, and considering what yor Selfe wrote; his Ex^cy was purposed to have gone himselfe; But lest the Severity and foulness of the weather should prevent It has been thought advisable to Emit a proclamation of Indempnity to such as have been inviegled and drawn in inconsideratly to abet and take part with Almy and his accomplices; upon their coming in and Submitting themselves and demeaning themselves peaceably and orderly for the future; which Proclamation is forwarded by Express unto m^r Gookin and Captain Cullimore is sent with ffour score men to his Assistance, It seems he has an Interest both in the place and persons and Encourages that he shall be able to perswade and reduce them to reason; However it's thought that yor advice may be of great Service in the matter, you are therefore desired and Ordered to go over to little Compton to urge the Proclamation and to give such as may otherwise be ignorant a full understanding of the Import of it, and the opportunity now put into their hands of saveing themselves, and further to advise and Assist in puting an end to this troublesome Affayre So as may be

for the honour of the Crown and the Governmt: here Established under the same. yor^e presence would have been acceptable here; but the necessity of reducing that people may be for present a greater Service. John Peirce is under bond taken here for his appearance at y^e next Sessions of the Peace for Bristol County and to keep the Peace and be of the good behaviour in the mean time; It is advisable that some Information or Indictmt in good form be prepared agt the time so to charge him as Evidence shall appear to maintain, which you are desired to take some care of; the Island of martha's vineyard is well Settled the mayhews have complied wth the demand of the Governmt. his Excy^t and Council give you their Service, and Expect that you will not omit to attend this buisness. By Order in Council.

vol. 3, p. 47.

I[SAAC] A[DDINGTON] Sec^{ry}." — *Ibid.*,

No copy of the proclamation mentioned in the above orders has been found, but, on the twelfth, Walley sent the following response to the Secretary's letter: —

"Bristol y^e Dec: 1692

Sir

I Recd: your^s by order of Gov^r & Council but it came not to hand vntil it was near night a Satterday, but by a Letter from m^r Gookin was informed he had sent forward y^e proclamation to iustice Church, w^{ch} I perceive was proclaimed on Satterday in ye afternoon, yesterday in ye afternoon there was six of ye Little sort come in, the cheife I perceive were vnresolved what to doe, I purpose to goe over this morning as soon as it is day & doe ye vtmost I can to Issue this matter or give a farther Acc^t, but I fear in ye way it is managed it will not be an Issue very honourable to the Government, m^r Gookin went away very vnseasonable, they began to be vnder considerable discouragement & y^r onely hope was Rhoad Island Standing by them, Their General Court now sitting being called on this occasion, Henry Head said yt if they would not espouse their case he would surrender himselfe, but they many of them since the souldiers are drawn off account that the Govern^t dare not or will not prosecute this matter, I hear yt Justice Church acting by m^r Gookin instruction onely takes thire submission without Bonds for good behaviour w^{ch} makes me doubt yt many of them will be ready to fall into y^e same error as soon as ye Constables come to demand or straine for their Rates I thinke it would be best they forthwith made a tryal on yt account while they are vnder the expectation of souldiers comeing vp, if these men be not made pay I am afraid their will be Little gott of Rates in these parts whether old or new, Had y^e Gov^r come vp there would a been a farr better compliace, but wee must endeavour to make ye best wee can off it, m^r Gookin being gone if ye proclamation had come to mee it should not have been publisht vntil this day, & I beleive there might a been some advantidg there by, shall not now inLarg pray you would present my Humble Service to his excellency y^e Leiv^t Gov^r & Gentlemen of ye Council & accept the Same to your selfe from him who is

Your freind & Serv^{tt}

JOHN WALLEY." — *Ibid.*,

vol. 2, p. 65.

On the same day Captain Thomas Leonard, one of the representatives from Taunton, and a magistrate of Bristol County, who was present to preserve the peace when Gookin attempted to serve his warrant as messenger, wrote to the Governor, as follows: —

"Taunton Deemb. 12th 1692

Most Excellent Sir

The affairs at Little-Compton are much vpon my minde, I have had no Intilligence from thence sence we came away: if the matter be not prosecuted to effect it had been better it never had been begun, as for Capt. Gookin he took a great deal of pains among them; but Could do no more without a larger Comission; I was ready to think before we came away that it was a good providence of god that Capt Gookin had no larger Comission at first; ffor certainly I do beleive there had been much blood Spilled if he had entered the house when he was about it; but before we came away I thought I could perceive by the ffreinds & relations of the criminalls that they were weary of their condition, And blamed the Governor of Rhode Island as the cause of it for first Incouraging them and at last leaving them: I beleive if the proclamation had been read there the last day we were there the most of them would have come in; my fear is now Capt. Gookin is come away, there is want of one in comission to keep them in awe, and if they get heart again it will be worss than at first; if any more men should be sent thither I think it would do well to let them be billited on the offenders; for as yet our ffreinds are the greatest sufferers; I was not wanting to do the best I could in assisting Capt. Gookin; I also vsed as many Stratagems as I Could to obtain some discource with some of the heads of the eriminals to perswade them to Surrender and to learn their plea, & I perceive Henry Head is the most obstinate man among them Except Christopher Almy who they count is safe being an Inhabitant on Rhode Island; and their greatest plea is their own exposition of Rhode Island Charter whereby the greatest part of our county would also ffall vnder Rhode Island government; there is much talk among them of sending an Agent to England about it, & I heare that Henry Head proffers fifty pounds towards the charges of it. I am not worthy to counsail your Excellency, but I hope their Majesties will be acquainted with these things by such that will Informe how servisable Rhode Island Government have been and still are in deffending their majesties Interest against the common Enimy. I beg a pardon both for the boldness and abruptness of these my lines and Remain in all Submission

THOMAS LEONARD." — *Ibid.*, p. 66.

On the thirteenth, Walley again wrote to the Secretary, as follows: —

"Bristol y^e 13th of Dec: 1692

Sir

my last wrote yesterday morning I hope came to hand, & according as I advised went to Little Compton & took all oppertunitys as I went along to inform & perswade as much as was meet such as had been offenders to take hold of y^e favour offered & told them y^e

danger of neglecting; Sundry have surrendred whose names have sent herewith, but Almy, wilcox, Head, & most that have been chiefly concerned make Slight of ye proclamation, expecting the Government of Rhoad Island will espouse their quarrel I had been informed their General Assembly sate last week but it was a mistake, but they sate this afternoon, but have not yet heard any thing of their design; I would propose whether it might not be convenient to charg ye delinquents as high as is meet & make a formall & positive demand of Rhoad Island to deliver them vp & to forbid them to conceal or Harbour them, It is the opinion of most here if this be not gone through with, others will follow yr exsample, & the Government rendred contemptable, & ye sober people of ye place will be afraid to keep there dwellings, Here are two others that have given their Oaths to ye substance of what major Church deposed yt was sent down before, they being present at ye same time, ye copy whereof I have sent, W^m Briggs being one of ye ffour having surrendred himselfe before to mr Gooke & coming now in to claime any favour yt might be by the proclamation & indging any favour shewed him might encourage others to come in wee have bound him by Recognizance 150^l himselfe 75 a peice his suretys to Answer for his offences w^{ch} wee have been peticuler in in ye condition at ye next sessions of ye peace to be held at Bristol bound him to ye peace & good behaviour to yr majesties, his Leige people, & in peticuler to ye government establist in this province, Had the Gov^r & soe many as to have made a Council come vp especially with any strength with them. they would have complied ere this, in^r Googin wrote me from Taunton yt he would stop Capt: Cullimore until he had been at Boston, for farther orders, soe yt his coming was vncertaine but if I hear any thing yt comes within ye compass of such orders as I have or may receive I shall attend ye same, Who ever comes vp to manage this affair or shall be directed therein should have full & plaine orders & some things must be left to discretion with such cautions as are necessary, The souldiers yt have hitherto come vp have been quartered vpon ye honest party but they pray if more come they yt have caused this trouble may provide for them or at least out of yr stores especially for horses, they yt come next it is pitty but they or soe many as needs should stay until this matter is brought to an Issue & yt ye Constables there & Dartmouth be directed to gett their old & new Rates whilst the souldiers are there, I would be glad to hear what is intended because I waitt now onely on this affair, as I have any farther Acc^t in this matter (especially what the Islanders doe) I will give an Acc^t please to lay this before the Gov^r & Council to whom I present my Humble service & subscribe your freind & servant

JOHN WALLEY." — *Ibid.*, p. 67.

On the fifteenth, Thomas Hinckley, the last governor of the late colony of New Plymouth, sent to Secretary Addington the following characteristic letter, together with some rare and useful documentary evidence in support of the right of jurisdiction of the province over the territory claimed by the malecontents:—

"Barnestable 15 dēcb 1692.

Sir

It might justly be deemed Criminall in me to neglect ye duty I owe vnto ye publique in this time of ye growing difficulties & mischeifs like to ensue on ye occasion of the riotous seditious. practices of those malecontented P^{sons} at Seconet, vnwilling to beare ye yoke of Govment tho it be no other then their Maties, preferring their own lawlesse wills & covetous selvish principles to saue their money. before the p^{rs}ervation of their Maties interest or safety of their good subjects from ye barbarous outrages & cruelties of their enemies, as if they regarded not whose house were on fire so they could saue their own. the high way to ye ruin of ye whole by peecmeal if now I should not communicate to you such papers as are in my Custody w^{ch} may give light in that case for their convictiō & further satisfaction of others in reducing them into order & obedience to their Maties authority I have therefore sent you his maties Comissioners' order, in ye year 1664 for setting the bounds between this Colony & Rhode Island, (wth ye heads of our pleas p^{rs}ented to them) and the rather because its not to be found on record (as I heare) when you sent to our late Secretary to search for it. by w^{ch} papers or writings it is clearly demonstrated that their principall plea & spetious form^r p^{rs}tence for yr mutyny or rebellion viz (their not belonging to this Colony but to Rhode Island) vtterly fayls those bounds so ordered being to stand till his or there maties other determinatiō w^{ch} never yett appeared, therefore remayns firm to this day. and it might be further shewne that that place hath been comonly called known occupied & rated as part of, & belonging to, this Colony of N: Plimoth for more then thre score years before Sir Edmond Androsse Coming to Boston, & since, for tho some of them would not acknowledg ye antority* here, since Sr Edmonds time for want of their Maties expresse authorising vs therevnto, yet I never heard of any of them questioning their belonging to this Colony till now very lately besides I have the petition to our Genrall Court vnder ye hands of some of themselves wth others that they might become a Townshipp wth priveledges as others &c: w^{ch} was granted them many years since, much more might be s^d but needs not to them who better vnderstand the case then I can say, when they see ye fores^d order: & therefore being in hast ye bearer staying, I add not but wth my humble service p^{rs}ented to his Excelency ye Governor his Leivt: & ye rest of his Council, and wth my vnfeyned desire of Gods gracious p^{rs}ence wth them guiding assisting supporting strenghtning & encouraging* their herts* & hands in the work he hath called them vnto, vnder all ye growing difficulties burdens and discouragements they may meet wthall in this tempestuos age of ye world, so as may be most for his prays & ye best good of ye publicque espetially his people I rest

your humble servant

THO^m HINCKLEY

pray please to return ye papers again vnto me when you hane tooke Coppy, entred on record or made such other use of them as ye matter may require, because I do not understand they are entred on record in any of our Courts w^{ch} would or may be convenient for vs to haue them be so recorded." — *Ibid.*, vol. 3, p. 50.

On the same day, Walley reported the following favorable news concerning the action of the Rhode Island government :—

“Mr Secretary

Sir I perceive the General Council at Rhoad Island have declared yt they will not stand by but discountenance the actions of the Little Compton men major Goulden by whom this comes can shew a Coppy of yr order, they are vpon this down in ye month, some thing forthwith done briske I hope may issue this matter I waitt here exspect to hear what is intended, I beleive they will not dare to make opposition but there must be sufficient as they gett offenders to carry them away & to stay vntil it can be effected, & perticuler order who are capable of Bail & who not major Goulden is in grt hast shall not add bnt yt I am

Your Humble Serv^{tt}

Bristol 15 Dec:

JOHN WALLEY.” — *Ibid.*,

vol. 2, p. 68.

The Legislature adjourned on the sixteenth of December, and before any report of the adjournment had reached Walley, he sent to Addington the following despatch containing a list of names of those of the malecontents who had surrendered to Massachusetts, and a proposal, if the Legislature were still in session, that an act be passed† for setting off Pocasset from Little Compton :—

“The names of ye persons yt surrendred themselves

| | | |
|------------------------------|--------------------------------|------------------------------|
| W ^m Briggs | James Case | Sa ^m Crandal |
| Tho: Jostin | Lawrance Springer | Robert Brownel |
| John Briggs Sen ^r | nath: Tomkins Sen ^r | Zac: Butts |
| W ^m Dye | Joseph Wilbore | John Wilbore |
| Richard Knight | Richard Craw | Tho: Butts |
| David Irish | Anthoney Sadler | John Briggs Jun ^r |
| Job Briggs Jun ^r | | |

John pearce allsoe desires the benefit of the proclamation

many of these I beleive were very little [concer*]ned & soe were some of ye rest yt are not [put*] in, Besides ye first ffour them yt are the [worst*] are the two young Almy^s Edward Briggs T [*] Cooke, W^m manchester, matthew Howard, Da[vid*] Lake, & some others it is pittty these sho[uld*] escape without punishment

If the General Court be not over th[e*] Sober part of Little Compton earnestly [de*]sire yt pocasset & punkatees that is add[ed*] to yr Constablerick may be taken off & [set*] as a Town by themselves, & they are in hop[es*] when they are without them they shall obta[in*] a minister for the others vote with them [on*] all occasions & proves a great hinderane to any thing yt is good

yours

JOHN W[ALLEY*].” — *Ibid.*

In 1693, at the August term of the Superior Court of Judicature, Court of Assize and General Jail Delivery, held at Bristol, on the twenty-ninth, a bill of indictment against Head, Wilcock, and Almy was found by the grand jury as follows :—

| | |
|--------------------|--|
| “Province of the) | Pleas held before the Justices of Assize and Generall Goale de- |
| Massachusetts) | liuery at Bristoll for the Countys of B[ristol*] Plimoth and Barn- |
| Bay In N: E.) | stable the La[st*] Tuseday of Aug ^t anno domini 1693. Annoq; |
| Bristoll ss) | RR ^s et Reg[inæ*] Gulielmi & Mariæ Angliæ &c ^a Quinto. |

The Jurors for our Sov^r Lord and Lady the King and Queen doe upon their oaths present Henry Head of Little Compton In the County of Bristoll in the Province aforesaid Yeoman Daniel Wilcocks of Nomquid in the County afores^d Yeoman and Christopher Amy now or Late of the same place Yeoman for that whereas by the Late Government of the Collony of new Plymouth In their Generall Court assembled at Plymouth the fourth of Nouembr 1690. A Certaine tax Rate or Assesment was orderly and Regularly made for the defraying the contingent charges of the said Government and was committed to the severall Constables of the Townes and Villadges within the said Collony to bee by them collected and payd in to the Treasurers of ye s^d Collony and whereas the particular proportion of the said Towne of Little Compton and the Inhabitants thereof was Regularly assesed at the Sum of one hundred and forty Pounds and the severall respective proportions of the said Inhabitants was also duely assessed and whereas Thomas Hmckly Esq, Late Governor of the s^d Collony on or about the fourteenth of June which was in the Yeare 1691. granted out his warrant under his hand directed to the Constables of the said Towne of Little Compton thereby willing and requiring them presently on the sight thereof to Demand such sume of each of the said Inhabitants as in the said Rate Bill was assessed perticularly on his or there heads and In case of any of their refusalls to pay the same for to shew them an Estate in Specie according to order of Court In that case provided then they shall Levie the same upon the bodies of such refusers and him or them to carry to their County Goale their to remaine till they had payd the same and the necessary charges their of and whereas by one act of the Governor Councill and Representatives of the Province afores^d Convened in Generall assembly at Boston upon the eight day of June in the fourth yeare of the Reigne of the King and Queen that now are it was enacted yt whereas by the Late Governments within the Collonies of the Massa[achusetts*] and new Plymouth now by their Majesties Royall Charter vnted and Incorporated severall Publiq[ue*] Taxes and assessments haue respectively been granted for the security & defence of their Majties Subjects and Intrest and the defraying the Publique charges arising by the warr with their Majties Enemys french & Indians since the first day of October 1689. and haue been Comitted to the Constables or other Persons appointed Collectors within the respective Towns and villadges to Collect and gather in time prefixed for the paying in of the same to the Treasurers or Receivers respectively apointed in the said Collonies being some time since past and A Considerable part their of being uncollected and not paid in to the said

* Manuscript mutilated.

† See Resolves, 1692-3, chapter 11.

Treasurers or receivers and the Country being Indebted to severall perticular Persons for service done and defraying the charges arrising by the warr upon the credit of the said assessment That all and every Constable and Constables or other Collectors within their respective Towns and Villages within this Province who at any time since the said first day of October 1689. have had any of the said Publique assessments Granted as aforesaid Committed unto them or any of them to Collect and pay in as aforesaid who have not perfected their collections and adjusted and Issued their accounts thereof with the Respective Treasurers as by order of Court or warrant there directed where thereby fully authorized and Impowred to collect & gather in the arrearages of all such Publique taxes & assessments and to doe and Execute therein all and whatsoever shall or may bee needfull for the Effectuall pursuing of the same as by order or warrant they might at any time heretofore have Lawfully done and by such Rules Methods and directions of Law as have lately been used & In force the dismissing of any such Person or Persons from his or their office of Constable or any alteration of the Government since made not withstanding as by the said act Intituled an act for the enforcing the Collecting and paying in the arrears of Publique assessments &c^a may more fully appeare and whereas the Constables of the said Towne of Little Compton pursuant to the directions of the said warrants and acts and from and after the same proceeded to the demanding and Collecting the arrearages of the said Summe of one hundred and forty pound unpaid to the Treasures of the said Collonie and Danl^l Eaton one of the said Constables having on the month of November Last Seized and apprehended the Person of W^m Briggs of the said Little Compton for his part of the said rate [*] payment) according to the tenour of the said warrant

Nener the less the said Henry Head Daniel Wilcocks and Christopher Amy being of A Seditious Turbulent and Unquiet mind and disposition and Evill affected to the present Government and Intending to disturb the quiet and peace thereof they the said Henry Head Daniel Wilcocks and Christopher amy and Divers othe[r*] Persons disaffected and Evilly disposed to the Jurors unknowne to the number of Twenty on the said month of November Last past in Nomquid aforesaid In the County aforesaid with force and armes did Riotously Routously Seditiously and unlawfully unite gather and assemble themselves together to the great Terrour of their Majesties Leige Subjects with Intent to disturb the Peace of their said Majt^{ies} & soe being nuited & assembled then & there with force & armes & Riotously in and upon the said Daniel Eaton in the peace of God and of their s^d Majt^{ies} being did make an Assault and him the said William Briggs with force and armes out of the Custody of the s^d Constable Rioutously did take and rescue to the great damage of the said Constable and the said Henry Head Daniel Wilcocks and Christopher Amy afterwards that is to say upon the Eighteenth day of November Last past together with divers other Persons to the Jurors unknowne to the number aforesaid with force and armes that is to say with Swords Staves Clubbs and Gunns and other armes as well offensive as defensive did Riotously Routously Seditiously and unlawfully againe unite and gather and assemble themselves together with intent to Obstruct prevent oppose and hinder the Collecting paying and Receiuing the said arrears of the Publique assessments afores^d and by force of armes being assembled together did then and there oppose obstruct prevent & hinder the Collecting paying & receiueing the s^d arrears and the Jurors doe further upon their Oaths present that the aforesaid Henry Head Daniel Wilcocks and Christopher Amy being soe unlawfully assembled and gethered together the further to prosecute their Seditious Intent aforesaid and to bring into hatred and Confusion there Majt^{ies} Government In this Province established did then and there In the hearing of severall of their Majt^{ies} Leidge Subjects these Seditious & Scandulos and false words or words to the same Effect or [the*] same Import against y^r Majesties said Government in a discourse and colloque amongs[t them*]selves [*] and R[es*]pectively vtter That is to say

wee will not [be*] Rackt Rated and P[*] as other places[*] (meaning the Places and Townes In this Province) were soe Rackt Rated and oppressed that [they*] were all ready to Rise for the Government of the Province had taken the very Linnen from of[f*] the Hedges and sold good Shirts for two Shillings a Peice, and soe farr were oppressors That the Poore People were faine to Sift their meale to pay their Rates and eat their bran for bread and that there were severall hundreds from Charlestowne side ready to come over but wanted one to head them, then the said Christopher Amy standing up said it shall not bee soe with You, for I will head you for wee will rise whilst wee have something, they shall not Robb us nor plunder us) then the said Henry Head said soe wee will rise whilst wee have something wee have mony promised us to carry on the designe, and were by severall Incouraged to proceed in what they had began and the Jurors for our Sov^r Lord and Lady the King & Queen doe farther p^sent that the said Henry Head, Daniel Wilcocks, and Christopher Amy, and divers other persons To the Jurors unknowne to the number aforesaid did afterwards To witt on the third day of Decem^r Last past at Little Compton afores^d with force and armes did Riotously Routously Seditiously and unlawfully againe unite and gather and assemble themselves together with Intent and designe to prevent and obstruct the Execution of Justice upon the said Riotors and to prevent and hinder the caption and apprehension of severall of the said Riotours and did with force and armes then and there prevent obstruct and hinder Samuell Gookin Gent^l Especiall messenger authorized and warranted by his Excellency the Governour for the apprehension, of the said Riotours and severall other Persons that were then and there assisisting the said Samnell Gookin in the Execution of the said warrant all which abone p^sented designes Speeches and practises Intended Spoken and perpetrated as afores^d by the said Henry Head Daniel Willcocks Christopher Amy are in manifest contempt of this their Majt^{ies} Government to the Evill Pernitious example of others and against the peace of our said Sov^r Lord and Lady the King and Queen their

* Manuscript mutilated.

Crowne and dignity and contrary to the forme and Effect of divers Laws and Statutes In that Case made & Provided.

Henry Head & Daniel Wilcocks being set to y^e Bar plead not Guilty

| | | | | | | |
|-----------|--------------------|--------|------------------|--------|--------------------|--------|
| | Major Benja Church | | Isaac Woodworth | | John Brigges | |
| 1693 | Samuel Gookin Esqr | sworne | Benja Woodworth | sworne | James Case | sworne |
| Witnesses | Joseph Church Esqr | | Daniel Eaton | | Zachens Butts | |
| | William Dye | | William Hilliard | | W ^m Amy | |
| | Lawrence Springer | | | | Matthew Howard. | |

Billa vera

THOMAS LEONARD foreman in the behalfe of the rest." —

Suffolk Court Files.

The petit jury found "the said Henry Head Daniel Wileox and each of them guilty of the riot and rout and other high misdemeanors according to the indictment." Almy, being out of the jurisdiction of the court, was not tried.

The sentence pronounced on Head and Wilcocks was, that they severally pay one hundred and fifty pounds, and that each recognize in the penalty of two hundred pounds, with two sureties of one hundred pounds each, to "make their personal appearance" at the next term of the same court to be held for the counties of Plymouth, Barnstable and Bristol, and, in the mean time, to be of good behavior, "and to stand committed till this sentence be performed."

Other papers in the archives show that, in this prosecution, Thomas Newton appeared for the crown, and also appeared before the court in Rhode Island to defend suits brought "against divers persons of sd Little Compton late Constables there for Acts by them done in the Execution of their office, pursuant to the orders of this Government;" for which services he was allowed six pounds.*

The particulars of the commitment of the prisoners and the escape of Wilcox from Samuel Gallop, the sheriff of Bristol County, while conveying them to Boston for greater security, and of the sheriff's unsuccessful efforts to recapture him, are given in the note to resolves, 1696-7, chapter 64, which was passed to suspend legal proceedings against the sheriff. This suspension seems to have continued, since, by resolves, 1701-2, chapter 84, Gallop was allowed for his services and expenses in endeavoring to retake his lost prisoner, and the inducement to this allowance was the conveyance made by virtue of the resolve which constitutes the present chapter. An entry in the province treasurer's account shows that Head paid his fine.†

On the twenty-seventh of November, 1701, Wilcox, in the presence of three attesting witnesses, made his mark, and affixed his seal, to a deed, which is recorded in the registry of deeds for Bristol County,‡ conveying to the "Counsell of his majestyes Province of the Massachusetts Bay . . . and to the Assembly of the sd Province . . . for the time being. & their Assignes for Ever," lands described as follows: a "one hundred & Twenty acre lot, being the fourteenth in Numbr," and one "forty acre lot, being the second in Number," "as appears on Record in the Purchassers Booke of Records in Tinerton, and a Thirtieth part or a whole share of a Tract of land that is undivided, belonging to Tinerton," bounded "Southerly, by the lands of Dartmouth, west by lands of Tinerton & free-town & northerly by lands of Middleborough Extending East to a place known by the name of Quitticus" with all the easements, privileges, and appurtenances. This estate was to be held to the grantees, and their successors and assigns, forever §

Advantage was taken of Wilcox's flight, to bring against him sundry actions of ejectment, which failed, on demurrer to the pleas, because it appeared that the land in question was held by the parties as tenants in common, and that therefore no action at law could be maintained.

Another similar attempt to run the boundary was made in July, 1695, but the business was summarily stopped by John Saffin, acting under the orders of Lieutenant-Governor Stoughton. In his letter, dated the eighteenth of July, to the Lieutenant-Governor, giving an account of his doings, Saffin declared, "I verily beleive Sr (and my opinion is not alone) that there is not one of ten, of all the people in these Pts (Bristol onely Excepted) but that desire to be under Rhode Island Government."||

Chap. 81. This chapter is from council records, vol. VII., p. 171. It has not been found in the archives

This order originated in the Council, where, on the thirteenth of March, it "was read at the Board and passed, and sent down to the representatives, for their concurrence," which was voted the next day.

Mather's refusal to continue to reside in Cambridge led to the appointment of Rev. Samuel Willard as non-resident vice president, but with the same powers and functions (jointly with the fellows) that had been exercised by Mather. This change took place by order of the Council, under chapter 59 of the resolves of the year 1701-2, and was ratified by the whole court, in chapter 69 of the same year. See those chapters; also chapter 46, *ante*, and the notes thereto.

Chap. 82. This chapter is from archives, vol. 70, p. 517. It is recorded in council records, vol. VII., p. 172.

The provisions of this chapter seem to have been first suggested by the Council in the following resolve passed on the eleventh of March and sent to the House for concurrence: —

* Executive Records of the Council, vol. 2, p. 416.

† Mass. Archives, vol. 122, p. 59.

‡ Northern District: Land Records, book 3, pp. 301, 302.

§ The next year this estate was assigned to the Indians, for a plantation, by resolves, 1701-2, chapter 94.

|| Mass. Archives, vol. 2, p. 75.

"March 11, 1700-1. For the Security and Defence of this province

Resolved That it's Necessary there be forthwith procured One thousand good Fuzils, and a like Number of Bagonets with a proportionable Quantity of Flints, Ball, and Lead with Moulds, One hundred Barrels of Good Gun powder and a Quantity of Match for his Majesties Service within the Same, And that Effectual Provision be made by this Court for the purchasing of said Stores of Warr." — *Council Records, vol. VII., p. 167.*

On the fourteenth the House passed the resolve which constitutes this chapter. It was sent up to the Council and concurred in on the same day.

On the twenty-eighth of April the following action was taken by the Council towards procuring all the stores except the gunpowder: —

"April 28, 1701. The Great and General Court or Assembly at their Session held the 12th of February last having past a Resolve that there be procured and paid for out of the publick Treasury of this Province three hundred good Fuzils, a quantity of Flints, Ball, Lead, with moulds proportionable to said number of Fuzils, and thirty pounds worth of Salt peter, and that the Govr and Council be impowred to agree with some suitable person or persons to procure s^d stores.

His Honour the Lieut^t Govr and the Council, accordingly treated with Captⁿ Andrew Belcher of Boston Merchant thereabout, who proposed to supply Bills of Exchange for three hundred pounds Sterling at the Rate of thirty eight p^{er} cent advance, and to have the sum of four hundred and fourteen pounds in Bills of publick Credit deposited in his hands as security for his receiving of money out of the Treasury for so many of the s^d Bills as he shall not dispose of by the end of nine months at the value therein exprest.

Which proposal was accepted and agreed to.

Advised and Consented That his Honour the Lieut^t Govr issue forth his Warrant unto Mr Treasurer to pay the sum of Four hundred and fourteen pounds to s^d Captⁿ Andrew Belcher, in lieu of his Bills of Exchange for three hundred pounds sterling

Advised and Ordered. That Captⁿ Andrew Belcher draw his Bills for payment of the said three hundred pounds unto Captⁿ Benjamin Gillam, now bound for London, and in his absence to Mr Stephen Mason of London Merch^t or order to be laid out for the purchasing of the s^d number of Fuzils with Flints, Ball, Lead and Moulds proportionable thereto, and thirty pounds worth of saltpeter, or such proportion thereof as the money will procure.

And that John Walley, Eliakim Hutchinson & Nath^l Byfield Esq^{rs} be a Committee of this Board to write unto and give the necessary directions to s^d Captⁿ Gillam and Mr Stephen Mason (in case of Captⁿ Gillams absence) thereabout and for the transmitting of them hither." — *Executive Records of the Council, vol. 3, p. 197.*

On the second of May the Council passed the following order for procuring the gunpowder, but it seems not to have been purchased until the next year:*

"May 2, 1701. Whereas the Great and General Court or Assembly at their Session held the 12th of February last passed a Resolve, that there be procured and paid for out of the publick Treasury of this province one hundred barrels of good gunpowder &c^a and referred it to this Board to take care to procure the same.

Ordered. That Elisha Cooke and John Walley Esq^{rs} with Mr Treasurer Taylor, be and are hereby appointed to treat and agree for the purchase of the said whole quantity of one hundred barrels of good new Gunpowder, or such part thereof as they shall think necessary to be bought at present, at the best rate they can for his Majty's service within this Province.

W^m STOUGHTON." — *Ibid.*, p. 200.

By the following entry in the province treasurer's account, it appears that eighty-eight barrels of gunpowder were purchased of Peter Sergeant, by the committee: —

"Paid Peter Sergeant Esqr in part payment for 88. barels of Powder purchased of him by y^e Committee appointed by y^e General Assembly to agree for & purchase the same. 400⁰⁰ - - -"
— *Mass. Archives, vol. 122, p. 164.*

Chap. 83. This chapter is from archives, vol. 70, p. 515. It is recorded in council records, vol. VII., p. 172.

This resolve originated in the House, March 14, 1700-1. It was concurred in by the Council on the fourteenth, and the next day the following resolve was passed by the Council and concurred in by the House: —

"Resolved, That Col^l Elisha Hutchinson be the Commissioner for the Stores of War belonging to this Province, pursuant to the Act of this Court that such an Officer be appointed." — *Mass. Archives, vol. 70, p. 516.*

Chap. 84. This chapter is from archives, vol. 70, p. 514. It is recorded in council records, vol. VII., p. 173.

No powder-house was erected in Boston before 1706.† The following petition which was read in the House on the fourteenth of March, and which led to the passage of this chapter, is the earliest movement that has been discovered looking to the building of such a magazine: —

"To the H^{on}^{ble} William Stoughton Esqr Lieut^{nt} Governour and Commander in chief in and over his Ma^{ty}s Province of the Massachusetts Bay in New England, and to the H^{on}^{ble} Council of the same & Representatives in General Court assembled

The Petition of several Merchants and others in the Town of Boston

Sheweth

That there are several barrels of Gunpowder lodged in divers wooden warehouses, and other places very dangerous in case a Fire should happen in the said Town, so that if any

* Resolves 1701-2, chapter 97, and note.

† Province Laws, 1706-7, chapter 4.

house near unto such warehouses or other unsafe places where ^{s^d} powder is lodged, should at any time take fire, people would be afraid of being assistant in putting out the same, And if any of the ^{s^d} houses or places where Powder is lodged as afores^d should take fire, & the Powder be not first or timely removed out of the same, very great damage & desolation would thereby be occasioned, if not to the whole Town yet to all such houses as are near or adjacent thereto.

We therefore pray this Hon^{ble} Court to make such order, That all Gun Powder now in the ^{s^d} Town be forthwith removed and lodged in some safe place within the same, as your honours shall think proper, for the preventing the before mentioned damages and desolations, in case of Fire —

ANDRE FANEUIL
THO^s HUTCHINSON
THO^s FITCH
DAVID JEFFRIES
JOHN MICO^l
WM KEEN
JOHN GEORGE
JOSE APPLETON
DANIEL ZACHARY

ROBERT: HILTON
ROGER KILCUP
ABRAHAM BLISH
EDW^d WINSLOW
JOHN NOYES
ZECA TUTHILL
CHARLES CHAUNCEY
JNO MAXWELL
NATHL OLIVER

THO: PALMER
JOHN KILBY
EPA^m SHURMPTON
BENJA FFITCH
JONATHAN POLLARD
JAMES MEERES
FRA^s BURROUGHS
JOSEPH PARSON
SAMUELL KEELING."—*Mass.*

Archives, vol. 70, p. 513.

Chap. 85. This chapter is from archives, vol. 70, p. 512. It is recorded in council records, vol. VII., p. 173.

This resolve originated in the House, on the thirteenth of March, 1700-1. The grant in the tax act* was not apportioned, but the amount to be devoted to repairing the Castle, limited to fifteen hundred pounds, by a resolve of the House which has not been discovered (owing to the loss of the House Journals) was left to the discretion of the Governor and Council. This is supposed to have been the practice in the case of similar grants, beginning with 1694.† Extraordinary repairs and alterations in the fortifications on Castle Island being contemplated this year, the House deemed it prudent to commit the management of the outlay, for that purpose, to a board in whom they had confidence, and hence the passage of this chapter, which was an innovation upon the former practice. On the eighteenth of November, 1700, two hundred pounds,‡ and on the seventh of April, 1701, three hundred pounds more, were ordered by the Council to be paid to Thomas Brattle of this committee.

The following is the order last mentioned: —

"April 7, 1701. Whereas the Tax upon Polls and Estates granted unto his Majty by the General Assembly of this Province at their session begun and held at Boston upon the 29th day of May last amongst other uses is applied to and for the repairs of the Fortifications on Castle Island near Boston

Advised and Consented. That his honour the Lieut^t Governour issue forth his Warrant unto Mr Treasurer, to pay unto Mr Thomas Brattle one of the Committee appointed to give orders and directions for the reparation or new making of Fortifications on ^{s^d} Island and to manage the laying out of the money so granted as aforesaid the sum of three hundred pounds (over and above two hundred pounds formerly ordered) to be employed for the said end & use and he to accompt for the disposal thereof accordingly."—*Executive Records of the Council, vol. 3, p. 191.*

Colonel Wolfgang William Römer, one of the engineers of the regular army, accompanied Bellomont to America to take charge of the building and repairing of fortifications. He was in Boston as early as December 27, 1698, when he was "treated at the Castle,"§ and is mentioned as being an invited guest in Boston or vicinity the next year.|| The first official notice of his employment upon the Castle is the following:—

"May 13, 1701. Advised that Colo Wolfgang William Romer his Majty's Engineer, lately come from New Yorke, be desired to give his advice and directions referring to the workes about to be done at his Majty's Castle on Castle Island, and with the Gentlemen appointed a Committee for the repairing & anew making of Fortifications on ^{s^d} Island, to oversee the ^{s^d} workes."—*Ibid., p. 204.*

The following order in Council for drawing from the treasury the remaining one thousand pounds, of the fifteen hundred pounds appropriated to the repairs of the Castle, etc., contains the only mention that has been discovered of the resolve of the House by which that appropriation was fixed:—

"May 30, 1701. Whereas the Tax upon Polls and Estates granted unto his Majty by the General Assembly of this Province, at their session begun and held at Boston upon the 29th day of May 1700; amongst other uses is applied to and for the repairs of the Fortifications on Castle Island, and the sum of Fifteen hundred pounds, part of the ^{s^d} Tax, by a Resolve of the House of Representatives at their ^{s^d} Session, particularly appropriated and directed to be employed for that use, Five hundred pounds whereof hath been already ordered into the hands of Mr Thomas Brattle, one of the Committee appointed to give directions for the reparation or new making of Fortifications on ^{s^d} Island, and to manage the laying out of the money so granted as aforesaid.

Advised and Consented. That his Honour the Lieut^t Governour issue forth his Warrant to Mr Treasurer to pay the remaining one Thousand pounds of said money, unto the before named Thomas Brattle, as he shall have occasion thereof, for the use aforesaid, he being to accompt for the disposal of the same accordingly."—*Ibid., p. 206.*

* Province Laws, 1700-1, chapter 13.

† *Ibid.*, 1694-5, chapter 2, preamble.

‡ *Executive Records of the Council, vol. 3, p. 166.*

§ Sewall's Diary, vol. I., p. 433.

|| *Ibid.*, p. 507.

Chap. 86. This chapter is from archives, vol. 101, p. 187. It is recorded in council records, vol. VII., p. 173.

Hinckley was governor of the colony of New Plymouth at the time of its union with the colony of Massachusetts under the province charter. See further, concerning this grant, in resolves, orders, etc., relating to the establishment, etc., of towns, etc.

The order in Council* for the payment of this allowance was passed April 19, 1701.

Chap. 87. This chapter is from archives, vol. 101, p. 186. It is recorded in council records, vol. VII., p. 174. See chapter 49, *ante*, and note, and resolves, 1699-1700, chapter 21, and note.

This resolve originated in the House on the thirteenth of March, and was concurred in by the Council on the next day. It was based upon the following report:—

“Wee the Committee for granting Debentures for Souldiers wages &^a In the Time of Sr Edm^d: Andros, humbly Offers to the Consideration of this great and Generall Court as follows.

1. Capt Jn^o Wing. Demanding a Considerable Sum^m For fortyfying his house, for wages. & provision, for Souldiers There Posted, but having had his Orders and Commission as he Saith burnt, we Conceive it is not in our pow^r to releive him, & y^t lyeth onely with y^e assembly to Determine in y^t matter, and he prays in Order there to he may be heard

Maj^r Davison. made a demand. of fifty pounds wee find he hath made out Disbusments for Twenty five pounds, for y^e Oth^r Twenty five pounds he saith he by Sr Edm^d: Andros Order paid it to m^r Wells, liath no Receipt, but Offers his Oath y^t he soe did, it is, wee Conceive for this honoured Court to Determine whether his Oath Shall be accepted For that twenty five pounds

The Debentures are not yett Delivered to y^e Demandants in y^e County of Hampshire, & for as much as Severall demands are for provisions &^a for y^e Supply of Collo^e Treatt & his Souldiers, wee pray the direction of the Court whether they are intended to be paid as well as others

There are Severall demands made for Souldiers in Severall Garrisons und^r Lt^t Paine and others y^t were not in y^e form^t Acc^{ts} presented to this hon^{ble} Assembly. and no Officers alive to attest Lists, we pray direction therein, they being well made out wheth^r we may not grant debentures for y^e Same as well as Others. all w^{ch} is Submitted by

Yor humble Serv^{ts}.

PETER SERGEANT in y^e

name of Committee.” — *Mass. Archives, vol. 101, p. 185.*

Chap. 88. This chapter is from council records, vol. VII., p. 175. It has not been found in the archives.

The committee appointed by chapter 59, *ante*, made the following report, which was read in the House on the seventh of March, 1700-1:—

“At a Great and General Court or Assembly for his Mat^{ys} Province of the Massachusetts Bay in New England, begun and held at Boston upon Wednesday the 29th of May 1700. In the twelfth year of his Mat^{ys} Reign being convened by his Mat^{ys} Writts.

Resolved That James Russell Esq^r Capt^t Samuel Phips and Capt^t Stephen French be a Committee to take care that a suitable place at Cambridge be provided for the reception and entertainment of the President of Harvard Colledge, and to see and consider what is meet to be done with respect to the House already built for a Presidents House.

Is^a ADDINGTON Sec^{ry}.

We vnder written being Appointed by the Hon^d Gen^l Court To Attend the Abou^{es}d Order, did Accordingly repair to Cambridge & P^{re}cured Sutable Entertainment At m^r Aron Boardmans^t for the reception of the p^{re}sident, w^{ch} was then Acceptable to him, We likewise, viewed y^e hous y^t was built for Entertainment of the p^{re}sident, and^o found y^e Scittuation As conuenient as any place thereabouts, but y^e hous was much out of repair but Judge it may be made Accomadable for y^e End it was designed for w^{ch} is the Needfull at p^{re}sent from

Yor humble Ser^{nts}

JA: RUSSELL

SAM^l PHIPPS

STEPHEN FFRENCH.” — *Mass.*

Archives, vol. 58, p. 219.

Upon the foregoing report the present chapter was passed by the Council, on the fourteenth, and the next day it was concurred in by the House.

By the seventh of April the house for the president had been carefully examined by the committee, and an estimate made by them of the cost of putting it in repair. They laid this estimate before the Governor and Council, whereupon the following order was passed:—

“April 7, 1701. Whereas the great and General Court or Assembly at their Session held the 12th day of February last ordered that the Dwelling house in Cambridge built for a presidents house be forthwith repaired and fitted up for that use, and that John Leveret Esq. Mr James Oliver & Mr Thomas Oliver be a Committee to take effectual order, that the said house be repaired accordingly and to lay the accompt of the charge thereof before the Governour and Council, & payment to be ordered accordingly. And whereas the said Committee having viewed the said house together with a Workman,

* Executive Records of the Council, vol. 3, p. 195.

† Aaron Boardman, the son of William, was a locksmith, and, in 1675, he was appointed to take charge of the college clock, and to serve as college smith. He succeeded his brother Andrew, as college cook and steward, which office his father had held until his death. “He inherited his father’s estate on the westerly side of Dunster street.” — *Paige’s History of Cambridge, pp. 490, 491.*

have made a computation that the charge of materials and workmanship for repairing the said house will amount to one hundred and fifty pounds, & have desired that a sufficient sum of money may be put into their hands to enable them to procure the materials for the sd worke.

Advised and Consented. That his Honour the Lieut^t Governour issue forth his Warrant unto Mr Treasurer to pay unto the said Committee the sum of eighty pounds, for the use aforesaid." — *Executive Records of the Council*, vol. 3, p. 190.

On the twenty-second of August, 1701, a similar order* was passed for paying to this committee the further sum of seventy pounds for the same purpose.

Since Mather was superseded by Willard early in September, it is probable that he never occupied the house prepared by the committee.

See chapter 46, *ante*, and note.

Chap. 89. This chapter is from archives, vol. 119, p. 190. It is recorded in council records, vol. VII., p. 175.

This resolve originated in the House on the fourteenth of March. On the next day it was concurred in by the Council and consented to by the Lieutenant-Governor.

Chap. 90. This chapter is from archives, vol. 48, p. 331. It is recorded in council records, vol. VII., p. 175.

The order in Council† for the payment of this allowance was passed March 15, 1700-1.

Chap. 91. This chapter is from archives, vol. 48, p. 328. It is recorded in council records, vol. VII., p. 176.

The order in Council† for the payment of this allowance was passed March 15, 1700-1.

Chap. 92. This chapter is from archives, vol. 70, p. 520. It is recorded in council records, vol. VII., p. 176.

By the following record, it would appear that Clarke and others presented petitions for relief:—

"Feb. 24, 1700-1. A Petition of Capt Timothy Clarke Commander of the Fortifications in the Town of Boston, And A Petition of William Tilly Gunner of the Same praying allowance for their said Services were Severally read;

Ordered That Elisha Hutchinson, and Penn Townsend Esq^{rs} do Carry down to the House of Representatives, the said Petitions, as also the Petitions of Joshua Conant, Gunner of the Fort at Salem, and of William West Centinal at the said Fort, and do recommend the Same to the Consideration of the House, that the said persons respectively might be paid for their Service." — *Council Records*, vol. VII., p. 154.

No such petitions as those above referred to have been found, however, except the petition which Joshua Conant presented in 1694, and which is given in the note to chapter 95, *post*.

The allowance of fifty pounds made to Clarke, by the House, in resolves, 1698, chapter 49, was cut down, by the Council, to thirty pounds. The twenty pounds now granted appear to have been intended to make good the sum which the House had formerly deemed a proper compensation, regardless of the terms of the former resolve which expressly precluded any future allowance.

The order in Council† for the payment of this allowance was passed March 15, 1700-1.

Chap. 93. This chapter is from archives, vol. 48, p. 326. It is recorded in council records, vol. VII., p. 176.

This resolve originated in the House, and was passed by the Council on the fifteenth of March, 1700-1.

The order in Council† for the payment of this allowance was passed March 15, 1700-1.

Chap. 94. This chapter is from archives, vol. 48, p. 330. It is recorded in council records, vol. VII., p. 176.

This resolve originated in the House on the fourteenth of March, 1700-1, and was concurred in by the Council on the next day.

The order in Council† for the payment of this allowance was passed March 15, 1700-1.

Chap. 95. This chapter is from archives, vol. 70, p. 521. It is recorded in council records, vol. VII., p. 176.

As stated in the note to chapter 92, *ante*, no petition by Conant has been found about the date of this chapter.

The following petition, however, with the order of the House thereon, remains in the archives:—

"To His Excellency Sr William Phips Kn^t Capt^t Generall and Gou^r in Cheife in & Over Thier Maj^{ties} Province of ye Massachusetts Bay in New England//

The Humble Peticoñ of Joshua Conant is. That Whereas your Excellency was pleased to appoint me Gunner of yr Maj^{ties} fort at Winter Island at Salem & your peticoñer having attended that Service accordingly ever since your Excellenceys arriual and have receiued but. Twenty five poundes towards my Wages whereby your peticoñer is Reduced to great want streights & difficulties which I have lately laid before your Excellency & Honour^{ble} Council but have as yet no releife//

Wherefore your peticoñer doth pray your Excellency to Consider my necessitous Condition and order me payment of what is behinde otherwise your peticoñer Cannot subsist nor Continue in y^e post your Excellency was pleased to put me in. having a wife &

* *Executive Records of the Council*, vol. 3, p. 239.

† *Ibid.*, p. 185.

family to provide for who are in present need at this time. & your peticoñer as in Duty Bound shall allwaies pray &c

Salem October. 17th 1694://

voted That, accounting s^d Fortification nor other benefit to the Country but as other Fortification^s in the Frontier Townes doe not se good to allow the same but Judge that the Town ought to pay y^e Gun^r.

past in the affirmative by the house of Representatives & sent up to his Excy and Council for Consent

october 22^d 1694

NEHEMIAH JEWET Speaker." — *Mass.*

Archives, vol. 70, p. 231.

The order in Council* for the payment of this allowance was passed March 15, 1700-1.

Chap. 96. This chapter is from council records, vol. VII., p. 176. It has not been found in the archives. See Province Laws, vol. I., preface, p. XXV., and foot-note 2.

The order in Council† for the payment of this allowance was passed March 15, 1700-1.

Chap. 97. This chapter is from archives, vol. 48, p. 325. It is recorded in council records, vol. VII., p. 177. See p. 239, *ante*.

This and the two following resolves, though passed separately, were joined in one paragraph, as a single resolve, in the Secretary's records, and by a single order in Council,† passed March 15, 1700-1, the treasurer was directed to pay each of the three allowances.

Chap. 98. This chapter is from archives, vol. 48, p. 332. It is recorded in council records, vol. VII., p. 177. See the foregoing note.

Chap. 99. This chapter is from archives, vol. 48, p. 327. It is recorded in council records, vol. VII., p. 177. See the note to chapter 97, *supra*.

Chap. 100. This chapter is from council records, vol. VII., p. 177. It has not been found in the archives.

The order in Council† for the payment of these allowances was passed March 15, 1700-1.

Chap. 101. This chapter is from archives, vol. 48, p. 329. It is recorded in council records, vol. VII., p. 177.

Chap. 102. This chapter is from archives, vol. 70, p. 519. It is recorded in council records, vol. VII., p. 177.

Chap. 103. This chapter is from archives, vol. 11, p. 156. It is recorded in council records, vol. VII., p. 177.

The following entry in Sewall's Diary gives an account of the effect of the first rumor from New York of Governor Bellomont's death, and of the manner in which the tidings were conveyed to Boston: —

"Satterday, March. 15th 1700/1 The Town is fill'd with the News of my Ld Bellomont's death, last Wednesday was seight. The Thorsday after, a Sloop set sail from N. York to Say-Brook; Mr. Clark, a Magistrate, carries it to New-London; from thence Mr. Southmayd brought it by Land last night, Capt. Belchar acquainted Mr. Secretary with it about 9 a'clock last night. Upon this the Assembly is prorogued to Wednesday, the 16th April, at 9 mane." — *Vol. II.*, p. 33.

By the twenty-fourth the news of the Governor's death was confirmed, and thereupon the Council took action as follows: —

"March 24, 1700-1. The General Assembly at their last Session having past a resolve that a General Fast be appointed to be observed throughout this Province, on such day as this Board should order, and that if the unhappy news of his Excy the Govern^r's death should prove true, it be therein particularly deplored.

A Proclamation was accordingly drawn up & agreed unto, appointing Thursday the 24th of April next for that purpose." — *Executive Records of the Council*, vol. 3, p. 188.

In a later entry in his diary, Sewall gives the following account of the proceedings in Boston upon receipt of the news of the interment of Bellomont: —

"Apr. 7th 1701. Last Satterday News was brôt by the Post of my Lord's Interment, March 27: So 46. Guns were ordered to be fired at the Castle, and 22. at the Sconce: were fired about 6 —.p.m. Have warm discourse about the sitting of the Court. L^t Gov^r would have it dissolv'd; most of the Council are for its sitting." — *Vol. II.*, p. 33.

The General Court stood prorogued from the fifteenth of March to the sixteenth of April, when it assembled, and continued in session until the nineteenth, on which day it was dissolved. During the interim the Lieutenant-Governor wrote to Sir Henry Ashurst as follows: —

"Boston, April the 10th 1701.

Hon^{ble} Sr/.

You will probably have the Intelligence of the death of the E^{arl} of Bellomont our late Governor before this can arrive unto you; It being now more than five weekes since he departed this life at New-yorke Vizt on the 5th of March, last; From whence I am Informed a Ship sayled for London the next day after. The Notice of his Lord^{sh}'s death was the more suprizing to my Selfe and the Council, in that we were in expectation of his speedy return to this part of his Governmt a rumour thereof was brought to Town

* *Executive Records of the Council*, vol. 3, p. 185.

† *Ibid.*, p. 188.

whilst the Assembly were sitting, and on the day of their rising; who desired that if it should prove true, his Lord^{ps} death might be deplored in a General Fast; which was accordingly ordered as you will see by the inclosed Proclamation: And there are no small impressions of sorrow made on this people in sense of the very great loss they have suffered in being deprived of such a Governor whose worth and eminency as well as greatness commanded their Respect, and his singular temper and prudence in his Conduct very much endeared him in their affections, the makeing up of our Loss is alone with him who has the residue of the Spirit and can give it forth at his pleasure.

It is not to be doubted, but that so soon as the news of his Lord^{ps} death shall arrive at White-hall, there will be applications made, and divers puting in for the Government. We depend on his Majty^s Royal Favour and gracious Regard towards us therein; whereof we have no reason to doubt haveing received so large testimonys thereof in time past.

I beleive nothing will be wanting on yor part, wherein you may promote the Welfare of this Province.

I am with much Respect. Hon^{ble} Sr/.

Your affectionate humble Servant,

Sr Henry Ashhurst." — *Mass. Archives*, vol. 51, p. 114.

Chap. 104. This chapter is from archives, vol. 70, p. 518. It is recorded in council records, vol. VII., p. 180. See chapter 26, *ante*.

The order in Council* for the payment of this allowance was passed August 1, 1701.

Chap. 105. This chapter is from council records, vol. VII., p. 183. It has not been found in the archives.

1701-2.

Chap. 1. This chapter is from council records, vol. VII., p. 187. It has not been found in the archives.

The election sermon of the previous year was preached by the Rev. Cotton Mather, from Ps. cxlvii. 2: "The Lord doth build up Jerusalem: he gathereth together the outcasts of Israel."

This sermon was printed,† though it seems not at the expense of the province, neither has any vote been found of the Legislature, or of the Council, inviting the preacher to deliver it, or thanking him for it. During the last session of the previous Assembly the following preamble and vote were passed by the representatives, but it has not been ascertained that the Council concurred:—

"Although Wee would very gladly heare a Sermon upon the Election Day as is Customary Yet having been inconvieniently Straitned & belated in the work of that day by reason of much time spent in Taking the Oaths and in repeating and subscribing the Declaration, as seven yeares Experience hath shewed

Wee therefore humbly propose to his Excellency and Council That the Ordinary Course of the Lecture may be kept upon the Election-Week And that Wednesday may be left free for the peculiar busines belonging to it

In the House of Representatives March 15th 1699[–1700]

JAM^S CONVERSE Speaker." — *Mass.*

Archives, vol. 11, p. 143.

The preacher of the election sermon, this year, was nominated by the Lientenant-Governor with the consent of the Council, as follows:—

"March 13, 1700-1. His Honour the Lient^t Gov^r nominated to the Board Mr Joseph Belcher Minister of Dedham, to preach a Sermon to the General Assembly at their convening on the last Wednesday in May next. And it was consented by the Board that the said Mr Belcher be desired to prepare and preach a sermon accordingly." — *Executive Records of the Council*, vol. 3, p. 184.

The text he selected for this sermon, which was preached on the twenty-eighth of May, was from Job xxix. 25, and the sermon was afterwards printed.‡

Sewall thus records the compliance of the committee with the order which constitutes this chapter:—

"May, 29th [1701] Major Walley and I wait on Mr. Belchar at Mr. Wadsworth's and give him the Thanks of L^t Gov^r and Council for his Sermon, and desire a copy." — *Diary*, vol. II., p. 35.

Chap. 5. This chapter is from archives, vol. 101, p. 193. It is recorded in council records, vol. VII., p. 195. See resolves, 1699-1700, chapter 21, and note, and 1700-1, chapter 49, and note.

* Executive Records of the Council, vol. 3, p. 228.

† A Pillar of Gratitude. Or, A brief Recapitulation, of the Matchless Favours, with which the God of Heaven hath obliged the Heartly Praises, of His New-English Israel. A Sermon delivered in the Audience of his Excellency, the Earl of Bellomont, Captain General, and Governour in Chief, and of the Council & Representatives, of the General Assembly of the Province of the Massachusetts Bay, Convened at Boston, in New-England. On May 29 1700 the Day, for Election of Counsellors, in the Province. Whereto there is Appendiced, an Extract of some Accounts, concerning the Wonderful Success of the Glorious Gospel, in the East-Indies. Boston, Printed by B. Green, & J. Allen. 1700. 12 mo. pp. 1-48.

A copy is in the library of the Massachusetts Historical Society and another in the library of Harvard College.

‡ An order in Council for the payment of £6 3s. was passed September 6, 1701, for five hundred copies of this impression. — *Executive Records of the Council*, vol. 3, p. 245.

The following entry in the account of the province treasurer from May 27, 1702, to May 26, 1703, shows the amount paid on the debentures drawn by the committee whose services were continued by this order: —

“Paid Sundry p'sons for wages & other service done for the Publick contracted during the time of the Government of S^r Edmond Andross pursuant to Debentures drawn by a Committee appointed by the General Assembly 74^{ll} 5^{ss} 3.”
— *Mass. Archives*, vol. 122, p. 169.

Chap. 9. This chapter is from archives, vol. 20, p. 49. It is recorded in council records, vol. VII., p. 201.

As recorded, this order contains a clause to the effect that the chairman “appoint the place of sitting,” and after the word “*diem*” the additional words “until they prepare a report.”

Besides communicating tidings of the decease of Bellomont to Mr. Blathwayt in the letter printed in the note to resolves, 1700-1, chapter 103, Stoughton wrote to Secretary Vernon and to the Lords Commissioners for Trade, as follows: —

“Boston. April the. 10th 1701.

R^t Hon^{ble}/.

I lay hold of this first Convayance, to give yor Honour the sorrowful Account of the death of the Earl of Bellomont, our late Govern^r who departed this Life on the fifth of March last, within his Government of New-Yorke, the certain Notice whereof arrived to my Selfe the. 22th of the same month; I suppose the Government there have been careful to neglect no opportunity for transmitting the Notices thereof from thence; which will possibly arrive before this.

I deplore the great loss of so good a Govern^r whose agreeable temper, great prudence and Integrity very much recommended him to the affections of his Maty^s good, Subjects, and the remembrance of the happiness they enjoyed under his good Rule over them, makes the deeper Impressions of sorrow for their bereavment

The Honour his Majty was pleased to confer on these his Provinces in appointing so Noble and a* vertuous a person to have the Government over them, Encourages us to hope for the continuance of his Royal Favour and Princely regard for the future.

This Province thro Gods goodness is at present in quiet but the conjuncture of Affairs in Europe, and the rumours of the probability of a new War do's greatly startle and alarm us; which if it so happen, we shall soon be sensible of the want of his Excellencys conduct and the more with respect to his management of the Indians and keeping the five Nations in a good temper; who will be in danger of being debauched by the French and drawn to espouse their Interests, in case a War arise betwixt the two Crowns. And his Majties Interests will be greatly hazarded; which his Subjects here will not be able to defend; unless his Majty be graciously pleased to afford them Succours and supplys of stores for War and otherwise; wherein I humbly pray your Honours Favour, And with the tenders of my humble Service, crave leave to Subscribe

R^t Hon^{ble} Your Honor^s
most humble & obedient Servant,

W^m STOUGHTON.

R^t Hon^{ble} Mr Secretary Vernon.” — *Mass. Archives*, vol. 51, p. 110.

“Boston, April the .10th 1701 —.

R^t Hon^{ble}

Altho. I am ready to thinke that before this can come to hand, your Lordships, will be Advised from New-Yorke of the death of the Earl of Bellomont our late Governour, where he departed this life on the fifth of March past, the certain Notice whereof arrived here the twenty second of the same month,

Yet I account it my duty by this first Convayance from hence to observe the same to your Lordps And the sense I have of the very great Loss, which the Provinces under his Government, and this in particular have suffered in being deprived of the Conduct of a person so well furnished with prudence Skill and courage for management of the publick Affairs; Especially at a time when there is so great prospect of trouble and difficulties approaching, and the greatest need for a skilful Pilot to be at the helm.

His Majties good Subjects accounted themselves happy and were made easy by his Excellency's prudent Administrac^{ons} And lye under the highest obligations to his sacred Majesty for his Royal Favour in sending a Governour of so great Eminency, worth and temper to rule over them, and humbly hope and pray for the continuance of his Majties Princely care of and Regard towards them.

The rumours of a new war likely to commence dos smartly alarm and fill us with no little consternation at the pre-apprehensions of the distresses wherein this Province will unavoidably be emerged, if there happen a rupture betwixt the Crowns of England and France; For we may expect no other but that the Indians will be instigated by the French to make fresh inroads on our Frontiers and out Plantations —

The wounds we formerly received by them being still recent the People will be extremely discouraged to be again embroy'led and harrassed by those barbarous Salvages; who are not to be trusted on their most solemn protestations of Fidelity and are more hard to be found and taken after the committing of any outrage than the wild beasts of the wilderness. —

If his Majesty shall be graciously pleased of his Royal bounty to afford them some Supplys of Stores for War and other assistance it will very much animate them to stand their ground & expose their lives in the defence of his Interests, otherwise their difficulties will be so insupportable as will necessitate them to draw in whereby the Enemy will gain advantage.

I humbly pray your Lordps Favour effectually to Represent what is before offered, and what else concerns this Province to his Majties gracious Consideration, That such season-

able Provision may be made for the defence of the same in case of War, as his Majty in his Princely wisdom shall thinke fit to order.

I shall take care that an Account of what shall occur for his Majties Service, and of the Administration of the Governmt within this Province be from time to time transmitted to your Lordps

Another Conveyance will speedily offer, by which your Lordps may expect a further Accompt of Affayrs here. In the meanwhile, I crave leave to Subscribe.

Rt Honble Y^r Lordps
most humble Obedient Servant.

WM STOUGHTON

Rt Honble Lords Commissioners of the Council for Trade &c. — *Ibid.*, p. 112.

Upon the assembling of the General Court in its third session, the previous year, the Lieutenant-Governor apologized for not dissolving the General Court, because "the report of His Excellency the Earl of Bellomont's death being brought to town just at the time of his last parting, and not knowing what might fall out thereupon, he was willing to continue" the court by prorogation; and had since refrained from issuing a proclamation for a dissolution, in deference to the advice of the major part of the Council. He proposed no new business, but reminded them "that the province was never prejudiced by making early provision for supplying of the treasury."

On the next day (April 17), the House sent up a message "that they had nothing of business before them, and to pray that, considering the season of the year with reference to the occasions of husbandry, they might be dismissed."

There seems, however, to have been one matter of business, of the intention to propose which the Lieutenant-Governor could not have been wholly ignorant. On the eighteenth he communicated to the Council copies of the letters written by him to Secretary Vernon and the Lords of Trade, and ordered the Secretary to carry them down to the House of Representatives, "for their perusal and consideration whether they should think fit to join with the Council in making an address to his majesty, or such applications as might be proper."

In return, the House sent up by a committee the papers and their thanks, together with a message, "that the House had referred the consideration of" certain matters contained in some paragraphs of the letter from the Right Honorable the Lords Commissioners of the Council for Trade, etc., sent down to them the day before, to the next session.

In compliance with the evident desire of the Lieutenant-Governor, a movement was now made in the House to secure the concurrence of both branches in an address to the king for praying his appointment to the chair made vacant by the death of Bellomont. The House sent up a resolve for this purpose; but the Council nonconcurred, and, in return, sent down the draught of a resolve for an address containing no reference to the appointment of Stoughton. The following are transcripts of these resolves:—

"Province of the

Massachusetts Bay ss. In the House of Representatives April 18th 1701.

Resolved—That an Addresse to his Majty be Prepared, Expressing the sense of his Majties favour in Comissionating his Excellency the late Earle of Bellomont, to be our Governr, And our Unhappinesse in his Death,

further Acknowledging his Majtie Royall Grace in hitherto Continuing the Honble Willm Stoughton Esqr our Lt Governr Praying that his Honr (of whose Prudence and Skill for managing our Publick Affairs we have had so long Experience) may be Comissionated to be the Governr & Comander in chief of this his Majties Province.

That the Honble Board be Desired to Join with this House in such Addresse, and a Committee of both Houses appointed to Prepare the same

And that a Letter be written to the L^d Presidt of the Council for Trade &c. Praying his favour in Preferring sd Addresse.

Sent up for Concurrence.

JOHN LEVERETT Speaker

die p^dict. In Council/. Read and carried in the Negative, upon the Question put for a Concurrence.

ISA ADDINGTON Secry.—*Ibid.*,

vol. 20, p. 43.

"In the House of Representatives April. 18. 1701

Resolved—That the House Insist upon their Resolve on the other Side, and that Mr Speaker Majr Wainwright, Capt Clark, Capt Burrill, Capt Legg, Capt Phipps and Capt french be a Committee to Join with a Committee of the Board pursuant to S^d Resolve.

Sent up for Concurrence

JOHN LEVERETT Speaker."—*Ibid.*,

p. 42.

"In Council. April. 18th 1701.

Resolved, That his Majesty be humbly Addressed by this Court, And that a Committee be named by this Board, to joine with a Committee of the house of Representatives to consider of the heads of said Address. with reference to the present State of the Province. And that Wait Winthrop, Elisha Cooke Elisha Hutchinson, Samuel Sewall and Nathaniel Byfield Esqrs be the Committee of this Board for the buisness abovementioned.

Sent down for Concurrence./

ISA ADDINGTON Secry.

In the House of Representatives *Die p^dict.*

Read, And the Question being Put whether the above Resolve be Concurr'd, It pass'd in the Negative.

JOHN LEVERETT Speaker."—*Ibid.*, p. 41.

On the nineteenth, the last day of the session, the Council sent a message to the House requesting a conference on the subject of preparing an address. This conference, which "was managed by Wait Winthrop, Esquire, and some others of the Board, with Mr. Speaker on behalf of the representatives," did not result in an agreement.

* The subject of an address was revived in the next Assembly, upon the receipt of letters from England, under the king's sign manual and countersigned by Secretary Vernon, enjoining upon the Governor of Massachusetts to procure the enactment of laws more

effectually to preserve trees fit for masts and timber for the royal navy; to urge the repair and rebuilding of fortifications on the coast of Massachusetts and New Hampshire, besides contributing to the fortifying of the frontiers of New York; and for sending accessaries in piracy to England for trial. See chapter 24, *post*.

Chap. 11. This chapter is from council records, vol. VII., p. 205, and archives, vol. 121, p. 105. See resolves, 1699-1700, chapter 50; 1700-1, chapters 50 and 68; and chapter 81, *post*.

Chap. 12. This chapter is from council records, vol. VII., p. 205. It has not been found in the archives. See resolves, 1698, chapter 68, and note.

How the petition of Perry and Moore was again brought up for consideration does not appear. This resolve originated in the House, and seems to have been concurred in by the Council without delay. The following is the record of the proceedings had thereon:—

“June 18, 1701. This Day being Appointed for a hearing of Seth Perry and Sampson Moor, upon their Petition, The said Perry, and Moore, together with Joseph Holmes, who was Ordered to be Notified Also to Appear, Attended Accordingly, and were Severally heard relating to the said petition before the whole Court, in the Council Chamber.”—*Council Records, vol. VII., p. 207.*

Chap. 14. This chapter is from council records, vol. VII., p. 203. It has not been found in the archives.

As early as 1635, Purchis was of Dorchester, and was made a freeman the next year. He removed early to Taunton, and subsequently to Lynn where he was chosen deputy, and, later, served as town clerk, an office he had held also at Taunton. At Lynn (or Saugus) he was clerk of the iron-works, when he became involved in litigation and lost his property, dying at Concord, in extremely reduced circumstances. He appears to have been a skilful scrivener, and much esteemed for his knowledge of public affairs, and was chosen to publish the proclamation of allegiance to Charles II., by the colonial government. Although he wrote legibly, he was not a careful town clerk.

The order in Council* for the payment of this allowance was passed August 1, 1701; but Purchis dying unpaid, chapter 5 of the resolves of the next year was passed, transferring the allowance to his widow.

Chap. 15. This chapter is from archives, vol. 70, p. 528. It is recorded in council records, vol. VII., p. 209.

As stated in the note to 1700-1, chapter 85, no vote for apportioning the first fifteen hundred pounds to the repairs of the fortifications on Castle Island has been discovered. The present resolve originated in the House, on the thirteenth of June, and was concurred in by the Council and consented to by the Lieutenant-Governor, on the twentieth. Orders in Council for the payment of this allowance to Thomas Brattle were passed as follows: September 3, 1701,† seven hundred pounds; November 5, 1701,‡ four hundred pounds; and February 11, 1701-2,§ four hundred pounds.

Chap. 16. This chapter is from archives, vol. 70, p. 529. It is recorded in council records, vol. VII., p. 209.

The following is an extract from the report of Bartholomew Gedney, Elisha Hutchinson and John Phillips, a committee of the Council, March 6, 1694-5:—

“... for makeing the fort at Salem servicable its nessesary that the flanker & place for soldiers Lodgings be covered & made thite & a platforme to be Laid the New worke to be filled with clay mortar & the platforme to be Raised & finished the new worke to be carried thorough to y^e Southeast corner & there a flanker to be builded a swell In the wall to be mended the bottom of the fort to be Levelled one of the Block houses to be sucred from being undermined with the tide. . . .”—*Mass. Archives, vol. 70, p. 239.*

This resolve originated in the House, and was concurred in by the Council and consented to and signed by the Lieutenant-Governor on the twentieth of June.

On the seventh of August the following entry was made in the executive records of the council:—

“August 7, 1701. An Order was made out and signed by fifteen of the Members of Council, present at the Board, directed to Col: John Hathorne Lt Col: John Higginson & Major Stephen Sewall, directing and impowring them to take effectnal care, that the Fort at the Town of Salem be forthwith repaired and set in good order necessary for defence, after the best manner that may be, with the expence of the sum of one hundred pounds granted for that use by the General Assembly, and the further sum of one hundred pounds to be expended by the s^d Town of Salem for that use, and in like manner to take care that for the future the s^d Fort be kept in repair.”—*Vol. 3, p. 232.*

The order in Council|| for the payment of this allowance was passed October 1, 1701.

Chap. 17. This chapter is from council records, vol. VII., p. 212. It is preserved in archives, vol. 62, p. 324.

* Executive Records of the Council, vol. 3, p. 226.

† *Ibid.*, p. 242.

‡ *Ibid.*, p. 267.

§ *Ibid.*, p. 281.

|| *Ibid.*, p. 255.

This resolve was founded upon the following bill or account:—

| "Boston New England December 1686— | | Dr |
|--|--|----------------|
| The Massathussitts Prouince | | |
| To the freight of Sixty Large Bundles of Soldiers wearing apparell bedding &c ^a ; and one Large hogshd of Linings as Sheets & Shirts; foret from on bord his majesties Ship of warr: Cald the King fisher; then riding in the downs the 13 th of October 1686; on bord the Barbados marcht Sam ^l Legg then master; & Said goods deliuered in Boston in December 1686; vnto Joseph Dndly Esqr Then President; The Tunnage Computed To bee 15 Tunns & $\frac{1}{2}$; att 40/ Ψ Tunn | | £31 „ 00 „ 00: |
| Boston Nouember 22 ^d 1699: Ψ SAM ^{LL} LEGG."— <i>Mass.</i> | | |

Archives, vol. 62, p. 324.

This account having been presented to the House at the first session, this year, it was referred, on the tenth of June, "to the committee for granting debentures on debts contracted by the public in the time of the government of Sir Edmund Andros, that they examine and consider the same," and report.

On the twenty-first the resolve which constitutes this chapter was passed by the House and sent to the Council, for concurrence. It was concurred in and consented to and signed by the Lieutenant-Governor on the twenty-fourth.

The order in Council* for the payment of this allowance was passed August 1, 1701.

Chap. 18. This chapter is from archives, vol. 101, p. 179. It is recorded in council records, vol. VII., p. 213. See note to resolves, 1700-1, chapter 79, for the petition upon which this resolve was founded.

The order in Council† for the payment of this allowance was passed August 1, 1701.

Chap. 19. This chapter is from archives, vol. 3, p. 397. It is recorded in council records, vol. VII., p. 213.

Chap. 20. This chapter is from archives, vol. 62, p. 384. It is recorded in council records, vol. VII., p. 214.

This resolve, which originated in the House on the twenty-fourth of June, and was concurred in by the Council on the next day, is the first instance of a vote by the Legislature for the payment of the rent of a room occupied as a public office.

The order in Council‡ for the payment of this allowance was passed August 1, 1701.

June 25, 1701, William Payne was "anew elected" commissioner and receiver of the duties of tonnage of shipping, under the act of 1701-2, chapter 16, § 14.

Chap. 21. This chapter is from archives, vol. 101, p. 196. It is recorded in council records, vol. VII., p. 214.

Chap. 22. This chapter is from archives, vol. 20, p. 50. It is recorded in council records, vol. VII., p. 216.

This resolve originated in the House, where it was passed on the nineteenth of June. It was concurred in by the Council on the twenty-sixth. It will be remembered that the acting agents for the province were not regularly commissioned. § In 1695, Peter Sergeant was specially appointed to assist the acting agents (see resolves, 1695-6, chapter 39), and the next year Stoughton "proposed to the Council to have their opinion whether it were not advisable that an agent be sent from hence to the court at Whitehall to represent and lay before his majesty the present state of the province, etc." But, after debate, this proposal was "left under consideration," and no action taken. See chapter 37, *post*.

On the thirtieth of April previous, Sir Henry Ashurst addressed to Bellomont, and to the councillors and representatives, the letter of the thirtieth of April printed in the note to chapter 36, *post*, in which he urged the regular appointment of an agent. Although he did not therein expressly advise that the commission of this agent be under the province seal, it would seem by the following extract from a subsequent letter that such was his meaning:—

"Febr. 5th, 1700[-1]. . . . I much wonder what y^e Governour & Generall Assembly at Boston said to my last letters of 30th of Aprill (to which I've had no answers) in reference to having an agent here under their seal. . . ."—*Winthrop Papers*, part VI., in *Mass. Hist. Soc. Coll.* vol. V., sixth series, pp. 80, 81.

Chap. 23. This chapter is from archives, vol. 11, p. 161. It is recorded in council records, vol. VII., p. 216.

The order in Council‡ for the payment of this allowance was passed August 1, 1701.

Chap. 24. This chapter is from archives, vol. 20, p. 51.

Of the three letters to which this memorial was in reply, the two following remain in the archives:—

"William R.

Right Trusty and Right Welbeloved Cousin, Wee greet you well. Whereas we have been informed, that great Spoiles are daily committed in the Woods of New-Hampshire, and Province of Main and other Parts within our Government of the Massachusetts Bay, by Cutting down and converting to private uses, such Trees as are or may be proper for the service of our Royall Navy; And it being necessary that all Practices which tend so evidently to deprive us of those Supplies be effectnally restrained: Our Will and Pleasure is, That upon Consideration of the Occasions of such abuses, the Methods by

* Executive Records of the Council, vol. 3, p. 225.

† *Ibid.*, p. 224.

‡ *Ibid.*, p. 226.

§ See resolves, 1694-5, chapter 14, and note.

which they are carried on, and the inconveniencies that attend them; You use your Endeavours with our respective Councils, and the Gen^l Assemblys of the Massachusetts Bay and of New Hampshire, to dispose them to pass Acts for preventing the further spoile of those Woods, and for preserving a Nursery of such Trees, as may be usefull for Our Service; And in Case you cannot prevail with them, to pass Acts proper and sufficient for those purposes, That you send over hither the Heads of such a Bill, as may be effectual for those Ends and fit to be Enacted here. So Wee bid you heartily farewell. Given at Our Court att Hampton Court the 19th Day of January 1700/1. In the Twelfth year of Our Reign.

By His Majesties Command.

JA: VERNON." — *Mass.*

Archives, vol. 1, p. 59.

"William R.

Right Trusty and Right Welbeloved Cousen We greet you well.

Whereas by Our Letters bearing date the 10th of February 1699/1700, We thought fit to give you several Directions relating to the Tryal of Pirates in Our Province of the Massachusetts-Bay; And whereas An Act of Parliament is since past for the more Effectual Suppression of Piracy, pursuant to which, a Commission under the Great Seal of England has been also sent you, Impowering you and others, to proceed accordingly, in reference to Our said Province, and to Our Province of New-Hampshire, and Our Colony of Rhoad Island, Our Will and Pleasure is that notwithstanding anything contain'd in Our foresaid Letters of the 10th February 1699/1700, You henceforward take care to Govern yourself in matters relating to Pirates, according to the intent of the Act of Parliament, and Commission afore mentioned. But whereas Accessories in Cases of Piracy beyond the Seas, are by the said Act left to be Tryed in England, according to the Statute of the 28th of King Henry the VIIIth We do hereby further Direct and require you, to send all such Accessories in Cases of Piracy, in Our foresaid Provinces of the Massachusetts Bay and New Hampshire, and our Colony of Rhoad Island, with the proper Evidences that you may have against them, into England, in Order to their being Tryed here. And you are to give notice of Our Pleasure herein, to the Governor and Company of Rhoad Island, that they may conform themselves thereunto. So We bid you heartily farewell. Given at our Court at Kensington the 2^d day of February 1700/1 in the 12th year of our Reign

By his Majesty's Command

June 2^d 1701

JA: VERNON

A Copy of this Letter attested by Is^a Addington Esqr Secretary sent to the Gov^r & Company of y^e Colony of Rhoad Island." — *Ibid.*, vol. 51, p. 103.

The other letter, dated January 19, 1700-1, has not been found, but its substance may be inferred from the following representation to the king, by the Lords of Trade, communicated in a letter to Secretary Vernon: —

Sir/

"Whitehal. January the 10th 1700/1.

In pursuance of his majesties Commands We herewith send You Our Representation to his Majesty, relating to Forts on the more Northern Parts of America: And according to your Directions of the 25th of the last month, We enclose Draughts of Letters for his Majesties Royal Signature, to the Governments of the Massachusetts Bay and New Hampshire; To take care of their own Coast; and to the other Plantations respectively, to encite them to contribute, in all, the Summ of 3000^{li} Sterling towards the charge of Securing the Frontiers of New York, which sum We fear is the Utmost they will contribute at this time.

And because the Governments of the Jerseys are in Disorder, and without Governors qualified by Law; We have not prepared Letters for those Colonies, thinking it more proper for my Lord Bellomont to Signifye his Majesties Pleasure to the People there, according to the Directions now prepared, in the Draught of his majesties Letter to his Lordship as Governor of New York, As to the Summ of 2000^{li} for which his majesty has thought fit, that the Earl of Bellomont draw Bills in smal Sums at several times, towards the Fortifying Albany and Schenectady; We concieve, the Forts at those places are now in greater Danger, than his Lordship cou'd apprehend, when he wrote his last Letters; and that he will not readily get Credit in New York, for mony payable by the Treasury here; and therefore humbly offer, that 500^{li} thereof be immediately paid to his Lordps Agent here to be forthwith returned to him, that the work may be proceeded upon with all possible Expedition: After which his Lordship may have time to draw Bills for the rest.

And his majesties Pleasure is to be farther known on what Person or Persons his Lordship shal draw such Bills, according to the Course of Merchants.

We send you herewith a Copy of the Quota mentioned in each of the forsaid Letters, to be transmitted accordingly.

And We desire you to be mindful, that it is necessary, Two Originals be prepared of each of these Letters at the same time, that they may be sent by different Conveyances.

We are Sir

Your most humble Servants.

STAMFORD

PH: MEADOWES

WM BLATHWAYT

JN^o: POLLEXFEN

GEO: STEPNEY

MAT PRIOR.

Mr Secretary Vernon." — *Ibid.*, vol. 70, p. 484.

The following extracts are from the representation of the Lords of Trade to the king in his Privy Council, as mentioned in the foregoing letter: —

"... On the Continent your Majesty has one continued Dominion for at least 17 Degrees beginning from the River *S^a Croix*; and Coll^l Romer the Engineer has by order from the Earl of Bellomont surveyed all the Coast from St Georges to Boston, and sent us Draughts of the Principal Bays and Rivers, which we humbly lay before Your Majesty with the Condition of several places which are thought necessary to be fortified.

The Entrance into *St Georges River* being difficult because of several Islands and Rocks in the *Bay of Muscongas* a small Redoubt and Battery upon the neck of what is now Called *Bellomonts Bay* is Judged sufficient for the security of that River.

About five Leagues to the Westward of *St Georges lyes Pemaquid* a Spacious River and of great Consequence as covering three other Rivers, *Damarascot*, *Sheepscot*, and *Kennebec*; and therefore deserves to be well Guarded. At the Entrance of this River within two Leagues of the main sea, formerly stood a Fort which at the approach of two men of War with 100 French & 500 Indians was shamefully surrendred in August 1696 and demolished.

For the Security of this Port & harbor and of all that Country, and to encourage people to settle there as formerly, a good Fort ought to be built in the same place or thereabouts, and for its better defence in Case of an attack from the sea a Battery may be raised on the next point of Land, & a redoubt or round Tower on *Johns Island*.

Towards the mouth of *Kennebec River* (seven Leagues from *Pemaquid*) are many little Islands; On that of *Damaras-Cove* there was before the War a *Pallisadoed Fort* for the defence of y^e Fisherman, & another on *Cape Anawagon* where they used to Cure their Fish; But to Guard the Entrance of the River a Redoubt ought to be raised on the Island *Sagadahock* and a little Fort at *New Town* in *Rouseck Island* two Leagues up the River, where there was formerly a small square one *Pallisadoed*.

Casco (six Leagues from *Kennebec*) is a convenient Bay, on the Northwest point whereof was formerly a village called *Falmouth*, and a wooden Fort both which having been destroyed in the late War. The Government of the *Massachusetts* has ordered a new Fort and Trading house to be built thereabouts which may be of good service.

Saco River (about nine Leagues to the Westward of *Casco*) is but smal and it's navigation interrupted by a sandy Bank at it's Mouth almost dry at Low Water. Two Leagues up the River on the Western-side near the Falls, stands a stone Fort and a Tower in the form of an irregular Pentagon, which ought to be kept in repair, and *Collonel Romer* has marked out a place on *Winter harbour*, or *Stage gut point* four Miles from the Mouth of this River for the security of the Fishery

At *Wells* and *York* are villages wth little *Garrison Houses* which require no further consideration.

Piscataway (nine Leagues from *Saco*) is an Important River being the the* Boundary between the Province of *Main* and *New Hampshire*. On the great Island at the Mouth of this River is a Fort of 30 Guns on *New Hampshire-side*, but incapable of defending the River, Yet the place where the said Fort stands is very proper for building a good new Fort, such as the growing Trade of that place and Country requires. *Collonel Romer* has sent a design thereof and adds that a good strong Tower on the point of *Tryars Island*, a Battery on *Wood Island*, and an other Battery on *Clerk's Island* wou'd be very necessary.

The *Massachusetts Bay*, has in it many Islands, and among the rest *Castle Island* not far from *Boston*, of great Security to that harbour. In the said Island is a Fort which *Colonell Romer* proposes to be repaired and enlarged; and for the bettr securing the Passages and Channels of the Bay, he further proposes some points of Land to be provided with Batteries.

Having laid before your Majesty this account of the Fortifications on the Continent, We humbly beg leave to add.

That the Province of the *Massachusetts Bay*, being a Numerous and wealthy Colony, enjoying great privileges, by Charter; ought to be required to Repair, Erect and Maintain at their own Expence, the Fortifications in the fore mentioned places, under that Government; and most particularly the Fort at *Pemaquid*, the chief Frontier of that Province towards the French and their Indians, which was well kept up, whilst it remained under the immediate Government of the Crown: The said Forts being necessary for the securing of the Timber and Fishery on that Coast and to encourage the resettling the Province of *Main* and the more Eastern parts, which have been destroy'd and laid waste in the late War, by the Mismanagement and neglect of the *Massachusetts Government*.

That the said Province of the *Massachusetts Bay*, ought also to be assisting to the Province of *New Hampshire* in their Fortifications.' — *Ibid.*, p. 487.

The foregoing letters, and the accompanying papers, were laid before the Council by the Lieutenant-Governor, on the twenty-ninth of May, and after they were read they, by his order, were sent to the representatives. Subsequently there were sent to the House copies of *Stoughton's* later letters to Secretary *Vernon*, and to the Lords of Trade, as follows:—

“Boston June 3^d 1701 —

R^t Hon^{ble}

Having already by two several Conveyances, one of them in April and the other in the beginning of May last given your Honour an Accompt of y^e melancholly condition of this Province by the death of our noble Governour the R^t Hon^{ble} Earle of *Bellomont*, of whose prudent and wise conduct, it is our great unhappiness to be deprived, and the more so by reason of those troubles, unto which, according to y^e present appearance of affairs, we seem liable to be exposed — And having also in my s^d Letters humbly prayed yor Hon^{rs} favour towards this his Mat^{ys} Province, in representing the state & circumstances thereof unto his Mat^y and obtaining from his Royal bounty such supplies of stores of War and other assistance, as with the Blessing of heaven may be for y^e preservation of his Mat^{ys} Interests and the safety of his good subjects in these parts, I shall not now trouble your honour with any further recital of what is contained in those Letters, hoping the same will come safe to your Honours hands, and humbly confiding in your honours goodness for a favourable regard to my humble suit therein

Since my writing of my afores^d Letters I have received his Maty^s three several Royal Letters one of them of the 19th of January 1700/1 referring to the spoils comitted in the woods by cutting down and converting to private uses such Trees as are or may be proper for the service of his Maty^s Royal Navy, and directing me to use my Endeavours with the Council & assembly to get such an Act past as may be effectual to prevent the making such spoile for y^e future;—one other of them, of the same date, relating to Forts & Fortifications, and assistance to be given to the Province of New Yorke, in case of an Invasion, and the other of them of the 2^d of February 1700/1 referring to accessories in cases of Piracy.

And have communicated the s^d several Letters to the General Assembly now sitting And recommended the consideration of the same unto them, that they may make such provision as is proper, relating to the several heads thereof, to comply with his Maty^s Commands. They had before granted money for the repairing and new making of Fortifications on Castle Island (so called) near Boston, which are in doing by the advice and direction of Col^o Romer, his Maty^s Engineer

His Maty^s in his s^d Letter of the 2^d of February relating to Accessories in Piracy, having directed That his Will and pleasure therein be signified unto the Governour & Company of the Colony of Rhode Island, that they may conforme themselves thereunto I have accordingly sent them a Copy of his Maty^s s^d Royal Letter, And have likewise sent a Copy of That of the 19th of January referring to spoils in the woods, of Trees fit for the service of his Maty^s Royal Navy, unto the Lieut Governour of the Province of New Hampshire.— And crave leave humbly to observe unto your hon^r that I apprehend it will be difficult to prevail with the assembly of this Province to be at charge for the building or maintaining of Forts at Piscataqua or other parts of that Province which is challenged to be the propriety of a single private person — This Province having, in the late war, expended many thousand pounds in the assistance given his Maty^s subjects there for their defence, of which no part hath been reimbursed. Besides, the Inhabitants of this Province being extreainly impoverished & many scarce able to provide for their necessary subsistance, and having many Frontier Towns and places of our own, some of which are also Barriers to that Province, they think the People thereof are as well (if not more) able to bear the charge of necessary Forts & Fortifications for their own defence, than those of this Province are to support their own, and other great charges of this Government —

As to the erecting of a Fort at Pemaquid it is the general opinion of all who know y^e place that the situation thereof is such as renders a Fortification there of very little or no use for the securing of any of our Plantations, nor can it be a bridle to the Indians, being far remote from any present settlem^t of the English and lies much out of the Common road of the Indians, the greatest numbers of which, that usually annoy us, having their Plantations and settlements on this side thereof

The Quota of men required from this Province for the assistance of New Yorke do's not a little startle his Maty^s subjects here, who apprehend themselves to lye more open and in danger of an Invasion than that Province and altogether as unable (if not more) than they to defend themselves without further assistance and they humbly hope for his Maty^s Royal Grace therein

I have not any thing further to observe unto your honour at present, but to assure yo^r honour that I shall studiously endeavour in my station to promote his Maty^s service in all things to the utmost of my power, whereof I crave your honours believe, as also that I am — with all imaginable respect

R^t Hon^{ble}

Your honours

Most humble and obedient servant

W. STOUGHTON.

Hon^{ble} m^r Secry Vernon." — *Ibid.*, vol. 51, p. 125.R^t Hon^{ble}"Boston, 3^d June. 1701. —

By a Vessell that Sayled from hence for London in April last, and also by another in the begining of May, I transmitted unto your Lord^{ps} the sorrowful tidings of the death of the R^t Hon^{ble} the Earl of Bellomont, his Maty^s Cap^{ae} General and Governour in chief over this Province &c^a which I presume is long before this come to your Lord^{ps} Knowledge; It's a very great unhappiness to this Province to be deprived of his Excellen^{cy}s Conduct, especially at a time when the conjuncture of Affairs seem to forbode our being involved in more than ordinary difficulties and troubles.

I was humbly bold to pray your Lord^{ps} Favour in concerning your Selves for the preservation of his Majt^{ies} Interests and the safety of his good Subjects in these parts, that they may not fall a prey to a potent Enemy; but that early care may be taken for such Supplies of Stores for War, and other assistance to be afforded them, as with the blessing of God may enable them to defend themselves and his Majt^{ies} Interests, if a War breake forth:

I hope my former Letters will come safe to hand, and shall therefore forbear giving yo^r Lord^{ps} the trouble of the repetition thereof, resting confident of your Lord^{ps} kind regard, in representing to his Majty the dependance and humble expectation which his Majt^{ies} good Subjects here have of receiving his Royal Aid.

Since the writing of my former, I have with the Advice of the Council, commissioned some persons to manage a Treaty with the Eastern Indians, and to endeavour to prevent their being debauched by the French, that they may not take part with them against us. And to Oblige them by Presents and assurances of full supplys for Trade to be afforded them, and of kind usage therein, beyond what they have had from the French. The said Commissioners are not yet returned, so that I cannot by this Convayance give your Lord^{ps} an Accompt of their Negotiation; which I hope will have a good Issue.

I have to acknowledge unto yo^r Lord^{ps} the receipt of his Mat^{ies} Royal Commission for the Tryal of Pirates within this Province, the Province of New-Hampshire, & Colony of Rhode Island, pursuant to the late Act of Parliament, Entituled An Act For the more effectual Suppression of Piracy, with several of the said Acts inclosed in the Box therewith.

As also the receipt of the representation made by yo^r Lord^{ps} upon several Acts and Laws made and passed by the General Assembly of this Province from the 15th of December 1697. to the 13th of March, 1699 /1700. with his Maj^{ties} Orders in Council Declaring his Royal Approbation and Confirmation of several of the said Laws, therein particularly enumerated by their respective Titles. And his disallowance & Repeal of some others; which I shall endeavour may be amended haveing regard to the Exceptions made by yo^r Lord^{ps} thereto.

I have Likewise received his Maj^{ties} three several Royal Letters, two of them of the 19th of January. 1700/1. and one of the 2^d of February 1700/1. one of the first referring to the Spoils committed in the Woods, by cutting down & converting to private uses such Trees as are or may be proper for the Service of his Maj^{ties} Royal Navy; And the other referring to Forts and Fortifications, and assistance to be given to the Province of New-Yorke in case of an Invasion.

And that of the latest date referring to accessories in cases of Piracy; All which I have communicated to the General Assembly now sitting, and recommended the Consideration of them unto them, That such provision may be made by them as is proper on the several heads therein mentioned to comply with his Maj^{ties} Commands.

Nothing further offering at present for his Maj^{ties} Service, I crave leave to Subscribe.

Rt. Hon^{ble} Your Lord^{ps}
most humble and Obedient Servant.

WM STOUGHTON. —

Lords Com^{missioners} of the Council for Trade and Plantations." — *Ibid.*, p. 128.

The omitted portions of the last letter are substantially identical with what is contained in the foregoing letter to Secretary Vernon respecting the building of fortifications in New Hampshire and at Pemaquid, and the quota required of Massachusetts for the defence of New York.

On the twenty-fifth of June, Wait Winthrop, chairman of the joint committee appointed by chapter 9, *ante*, presented to the Council the following report:—

"The Committe in p^{rsuance} of the order of y^e Great and Generall Court bearing date. June 13th: 1701: appointing them to Draw up an address to his Majestie referring to y^e matters Contained in his Lett^{rs} laid before the Court, and Such other things as may by them be thought meet to be laid before his Majestie for his Service, and good of his Sub^{jects} here; Are of opinion that its the best way to give answer to his Majesties gracious Lett^{rs} by way of a memoriall, and therefore haue Done it as aboue, And that it is now a proper time to petition his Majestie for a restoration of Some of our former priviledges, viz^t The Choosing of our Governor L^t Governor and Secretary, and Such others as this Court Shall think fitt; and that an address be drawn up accordingly, which Cannot well be done before the Courts minde be known respecting the Same.

by order of the Committe

WAIT-WINTHROP." — *Ibid.*,

vol. 20, p. 54.

This report was read at the Board, on the twenty-fifth, and again on the twenty-sixth, when it was agreed to and sent to the House, for concurrence, where, on the following day, the Speaker signed a minute thereon, of "not agreed to," and it was returned to the Council, on the twenty-eighth.

The recommendation of the committee that the king be addressed for the restoration of former privileges being thus rejected, the memorial was allowed to stand with the date of the vote of the House thereon (the twenty-seventh), unchanged—the only objection offered by the representatives having been to the rejected recommendation.

By this time the Lieutenant-Governor, who had been in failing health, grew suddenly worse, on which account he adjourned the Assembly to the fourth of July, and then to the thirtieth. But, on the seventh, he died, leaving unsigned this and several other matters which had passed both branches. When the Assembly again convened, on the thirtieth of July, the representatives were summoned to the council chamber, after the usual preliminaries, and addressed by Wait Winthrop, in behalf of his associates, in a speech* in which he reminded them "That at the time of their late recess the Court were upon Consideration of the Import of his Majesties Gracious Letters of the 19th of Jan^{ry} and the 2^d of February last, and of Addressing his Majesty, But by reason of the Lieut Governours indisposition, and Sickness could not proceed to the finishing of the Same, and therefore were Adjourned until this time, And that it had pleased God Since to remove the Lieutⁿ Governour by Death upon which According to the Directions of his Majesties Royal Charter, or Letters patents, the Council had taken upon them the Administration of the Government, and Emitt^d a Proclamation, Accordingly, And had Also written Letters to Some of the Ministers of State to give them an Account thereof, that his Majesty might be Informed of the Pres^t Circumstances of the Governm^t (the Copies where of were Delivered to M^r Speaker for the perusal of the House) And then directed that the Court do now proceed in that Business where they left at the time of Adjournment."

The memorial appears to have been dropped, at this stage, and in place thereof the address which constitutes chapter 55, *post*, was prepared and ordered to be forwarded for presentation to the king; but a report having been received of the appointment of Governor Dudley,† the memorial and address were withheld until the eighteenth of October, when they were forwarded, together with another address which constitutes chapter 71, *post*.

Chap. 27. This chapter is from archives, vol. 101, p. 197. It is recorded in council records, vol. VII., p. 219. See resolves, 1699-1700, chapter 21, and note, and 1700-1, chapter 49, and note.

* July 30, 1701. Council Records, vol. VII., p. 224.

† See note to chapter 51, *post*.

The order in Council* for accepting and paying the debentures drawn upon the province treasurer by this committee "or by any three of them" was passed August 14, 1701.

Chap. 28. This chapter is from council records, vol. VII., p. 220. It has not been found in the archives.

The order in Council† for the payment of this allowance was passed August 1, 1701.

Chap. 29. This chapter is from council records, vol. VII., p. 221. It has not been found in the archives.

The order in Council‡ for the payment of this allowance was passed August 1, 1701.

Chap. 30. This chapter is from archives, vol. 70, p. 532. It is recorded in council records, vol. VII., p. 221.

The work on the fortifications on Castle Island, begun as shown in the note to resolves, chapter 85, 1700-1, was continued throughout this year. The Lieutenant-Governor's speech‡ at the beginning of the first session contained the following clause:—

" . . . there Seeming, by the Intelligences from Europe, to be a gathering of very darke Clouds that threatned the breaking forth of a Great Storm in an Universal War, it was therefore Necessary we should make due preparation in the repairing, and Setting in Order the fortifications within this province, which was Also Recommended to the Government here in his Maj^{ties} Royall Letter, which with Some others lately received from his Maj^{ty} should be laid before them, And that he Hoped they would make Such further provision, in Addition to what was granted by the last Assembly, as should be Necessary for Carry-ing on the Fortifications at the Castle now in hand, that they might be brought to good Effect, whilst we had the Advantage of having the Direction, and Assistance of Col^o Römer, his Maj^{ties} Engineer, who was engaged therein . . ."

During the recess of the Assembly, the Council took measures to help along the work on the fortifications at Castle Island, of which the following is the record:—

" July 23, 1701. Upon a motion from the Committee appointed by the General Assembly to order, direct and manage the laying out the money granted to wards fortifying Castle Island.

Ordered. That a Warrant be made out, directed to the sheriffs of the County's of Suffolke and Middlessex, their under Sheriffs or Deputys and Constables of the several Towns within the sd^e Countys; authorizing and Requiring them in his Maj^{ty}'s name from time to time to impress such and so many workmen and materials as the sd^e Committee or any of them shall informe are wanted and necessary for the speedy repairing and making new Fortifications on sd^e Island. The sd^e Committee paying such workmen for their labour, and for such materials, what may be the value thereof, according to the usual and accustomed rates and prices here given for the like, or according to any contract made or to be made with them by the sd^e Committee

And a Warrant being accordingly drawn up, was signed by all the Members of Council present at the Board."—*Executive Records of the Council, vol. 3, p. 223.*

The substance of the "royal letter" referred to in this speech, but which has not been found, may be gathered from the letter of the Lords of Trade to Secretary Vernon, and their recommendations to the Privy Council, printed in the note to chapter 24, *ante*.

Similar recommendations from the Lords of Trade had been communicated to the last Assembly, as appears by the following entry:—

" April 17, 1701. An Extract of Some paragraphs in a Letter of the 11th of April 1700 from the right Hon^{ble} the Council for Trade &c directed to his Ex^{cy} the Earl of Bellomont, and by him Transmitted to the Lieut Governour, relating to this province as to Fortifications &c being by his Honour laid before the Board, and read, It was Advised, That the Same be Sent down to the House of Representatives. Which by his honours Orders was Sent down Accordingly."—*Council Records, vol. VII., p. 180.*

The letter above mentioned has not been found in the archives; but a letter of the same date, to Bellomont, respecting the affairs of the province of New York, briefly refers to it as containing "what relates to New England, &c."§

There seems to have been some friction between the engineer and the committee, which both branches deemed it politic to overcome by conciliatory measures. On the fifth of August the House sent up to the Council a resolve, in which, among other things, it was proposed "that the fortifications at Castle Island be carried on with all expedition," which was read, but no other action taken thereon.

Again, during the recess after the second session, a committee of the Council visited the Island in response to the memorial or complaint of Colonel Römer, as shown in the note to chapter 60, *post*.

Chap. 31. This chapter is from council records, vol. VII., p. 221, and archives, vol. 3, p. 398.

In compliance with this request the Secretary wrote as follows:—

Hon^{ble} Sirs/.

" Boston, June. ult. 1701/.

I am Commanded by the Hon^{ble} the Lt Gov^r Council and Representatives now sitting in General Court to Acquaint you, That they have received Complaints of the Imposition of Tunage and other Duties laid by your Selves upon open Sloops trading from hence into your Province; As also upon Vessells that pass up the River into the parts of this Province

* Executive Records of the Council, vol. 3, p. 235.

† *Ibid.*, p. 225.

‡ May 29, 1701. Council Records, vol. VII., p. 187.

§ Documents Relating to the Colonial History of the State of New York, vol. IV., pp. 630-635.

late known by the Province of Mayn. And withal to Signify unto you the just Resentment they have thereof, and that not onely, in the unkindness therein offered by laying of Impositions on vessells that bring you necessary Supplies: without which you could not well Subsist, and take off yor Lumber whereby you have so considerable advantage; But more especially in the unreasonable injurious and unwarrantable requiring and takeing of Fees and Tunage for Vessells that onely pass up the River into the Parts of this Province the River being the equal and indisputable right and priviledge of one Province as the other. You cannot so soon have forgotten what charge this Province was at for yor assistance in the time of the late War, nor can you be unsensible that it is no difficult thing for this Government to take such measures as may be more to the disadvantage of yor Trade than you can reap benefit by the aforesaid Impositions; but they choose to do otherwise, and have exempted Vessells trading from your Province hither from payment of Tunage; and hope you will take such consideration hereof as to remove all occasions of complaints of this nature for the future, and maintain a good and neighbourly correspondence; which shall be endeavoured on their part. I am. Gent.

Your most humble Servt

ISA ADDINGTON.

Governm^t of New-Hampshire." — *Mass. Archives*, vol. 62, p. 387.

Chap. 33. This chapter is from council records, vol. VII., p. 222. It has not been found in the archives.

Chap. 34. This chapter is from council records, vol. VII., p. 223. It has not been found in the archives.

The following is the record of the order in Council for issuing a warrant for the abatement made by this chapter:—

"Aug. 1, 1701. Whereas the Great and General Court or Assembly at their Session begun and held at Boston the 28th day of May last, did pass a resolve; that the sum of Fifteen pounds be abated unto Penn Townsend Esq^{re} out of the sum which he agreed to pay, for the Excise which he ferm^d in the year 1698; in consideration of his not receiving Excise from the Town of Bristol.

Ordered. That a Warrant be made out and issued to the Treasurer, to abate unto the sd Penn Townsend Esq^{re} the above mentioned sum of Fifteen pounds.

And a Warrant for abatement of the same accordingly being drawn up was signed by fifteen of the Members of Council present at the Board." — *Executive Records of the Council*, vol. 3, p. 226.

Chap. 35. This chapter is from council records, vol. VII., p. 223. It has not been found in the archives.

The order in Council* for the payment of this allowance was passed August 1, 1701.

Chap. 36. This chapter is from archives, vol. 51, p. 137. It is recorded in council records, vol. VII., p. 225. See chapter 24, *ante*, and note.

The letter from Ashurst referred to in this chapter was as follows:—

"London Ap y^e 30th 1700

My L^d & Gentlemen

Finding by y^os of y^e 9th of Sept^r yt you had not received mine of y^e 11th of June 99 I have here Enclosed a copy of it where you will find yt I gave you an account of all y^or concernes to yt time I had answer'd y^or last sooner but yt I had y^e prospect of a particular & safe conveyance w^{ch} I have now made use of to hand this to you, t'was wth y^e greatest satisfaction yt I received v^or Kind acceptance of those fue services you mentiond in your last w^{ch} I had faithfully Endeavour'd to do for you & y^or thanks w^{ch} you were pleased to Express in so Obliging a manner. I must confess yt y^e Zealous Inclination I had for y^or Interest became in me my perfect principle & alwayes sett my private concernes & y^os upon y^e Same foot & I may say yt when Ever I had it in my power to promote y^or affaires they lay so near me yt it never failed to give me Equall joy to yt of benefiting my own family & when Ever y^e tide has been too Strong for me to Stemn any blow yt has but been Aimed at you has made my houres very restless & uneasy I humbly thanke you for y^e Large Earnest you have given me yt you will in y^or own time consider to reward me for my paines & Expence in y^or Service w^{ch} Every Labourer how willing so Ever will be thought worthy of But as to giving you a particular Acc^t of all disbursments, when, & to whome, & rating all my charges & unavoidable Expence both of time & paines I thinke it as prejudiciall to your interest as it is to my character who am not thought to Subsist by y^e Trust & Imployment you have (I confess) been pleased to honour me wth I am here looked upon as y^or Agent & am Sent for often to all y^e Offices, of y^e Councill, Com^{tee} of Trade, Treasury. & admiralty &c, to answer to questions & Solicite prator^t relating to y^or Affaires, & tis from me yt y^e Officers Expect all fees & gratifications for doing y^or Buisness w^{ch} are not inconsiderable for every common reference is 52 shillings, y^e Sollicitour has had fourteen pounds att a time & y^e attorney Severall fees in passing y^or Laws I hope y^e Delivering you from y^e Claim of Duke Hamilton† to a great

* *Executive Records of the Council*, vol. 3, p. 225.

† *Sic.*

‡ The claim of the "Duke of Hamilton" (apparently, either by descent or purchase, from Lord Say) was to land within the jurisdiction of Connecticut. This claim seems to have been started or revived at the instigation of Joseph Dudley. "... You need not trouble your selves about the claime of Duke Hambleton. He is farr from sharing in any such affaire. It is not Lord Arran of Scotland (which is the title of Duke Hambleton's eldest son); my L^d Cornbury his lady was related to the *Irish* Earle of Arran, who married Cornburys wife sister and died without children, who was second son to the Duke of Ormond. . . ." — *Sir Henry Ashurst to the Governor and Council of Connecticut, 1707*, in *Mass. Hist. Soc. Coll.*, vol. III., sixth series, pp. 379, 380.

part of yo^r province & from y^e Patent of Incorporation w^{ch} would have been ruinous to you will contribute as much to your happiness & peace, as they did to my trouble & vexation till I had reskued you from yo^r danger. I can't imagine yt you Ever needed an Agent more than now for tho my Lord had more Interest than his extraordinary meritt has procured him yett in So uncertain a time where interests are often pushing att one another there may happen thinges to be offer'd w^{ch} att so great a distance you can't avoid being ignorant of & wth out an agent to watch Every turn it may be impossible for you to prevent, as for my part did I not take pleasure to Serve So good a people twice y^e Encouragement I hinted in my lett^r of May y^e 5th would not tempt me to Suffer oftentimes my own buisness & y^e care of my health (to Say nothing of my pleasure) to be so often interrupted as your concernes do require & tho all y^e Plantations yt receive their governours from y^e King have their agents here & w^{ch} y^e government construes to be a Slight when Ever it is Omitted however I wish so well to yo^r country yt could you pitch on one of more interest & more zeal & capicity for your service I should resign my trust wth joy.

There is an Act of Parliament past w^{ch} I will send you Either by this conveyance or by y^e Man of warr, if you find any thing in it injurious to your reasonable interests I will Endeavour to gett it redrest.

I can't conclude my lett^r wthout recommending yo^r encouraging yo^r hono^{ble} Governour to your justice, if when he has made him selfe so many enimes in preserving justice, & yo^r rightes, unviolat among you, you should do any thing to make him weary or forced to quit his post; you will be so far fr[om*] being able to excuse it to your posterity yt you will not be able to justifie yo^r condct to your selves, when you reflect but y^e least of w^t you have done, but I hope tis needless when you immediatly Enjoy y^e happy Effects of So good A Governour, to put you in mind of acknowledging y^e Sense you have of so great an happiness I am Yo^r Most faithfull humble ser^t

HEN ASHHURST.

Since y^e writeing of y^e obove I had this letter sent me from the Councill of Trade; as I have had many others of late; which I've made answers to: I shall only trouble you with what I have made to this demand of y^e Earle of Limmerick, formerly Colonell Dungan.† If you thinke fit to sende any other instructions to me or any body else, tis necessary it be done by the first oppertunity

To his Excellency the Governor Councill & Generall Assembly of the Massatusets Bay in New England."—*Mass. Archives*, vol. 106, p. 464.

The enclosures referred to in the postscript of this letter, namely, the notification from the Lords of Trade, and Ashurst's answer to the petition of the Earl of Limerick, are as follows:—

Sir

"Whitehall. April, the 30th 1700.

By Order of the Lords Commissioners for Trade and Plantations I send you here inclosed the Copy of a Petition presented to his Majesty by the Earl of Limmerick, for a Tract of Land in America called Pemaquid, that you may thereupon offer to their Lordships what you think fit in relation to the Intrest of the Government and Colony of the Massachusetts-Bay in that matter.

I am Sir, Your most humble Servant

W^m POPPLE. —*Ibid.*, p. 466.

"To the Right Hon^{ble} Lords of the Council of Trade

The Answer of S^r Henry Ashhurst Baronet to the Petition of the Earle of Limbrick My Lords

I account my self obliged to your Lords^{ships} for Giving me the notice of the Earl's Petition and shall Transmitt it to y^e Earle of Bellomont his Majesties Governo^r of the Massatusets Collony & shall p^r the first Conveniency Expect their fuller answer in the mean time, I most humbly la^y before yo^r Lords^{ships} that Peniquid is part of the Lands Granted by Charter under the Great Seale to the Massatusets Bay the words of which Charter Grant to them all that Tract of Land which Lyeth between Nova Scotia and y^e Province of Main & Piniquid Lying between Nova Scotia & y^e Province of Main is included in that Charter besides the Govern^{mt} there have been at great Charge in building a ffort there Looking upon itt as the most Convenient place to secure that province from the murtheres of the Indians all which is most humbly submitted to yo^r Lords^{ships}."—*Ibid.*, p. 479.

The letter from Constantine Phipps referred to in this chapter was as follows:—

"May it please your Excy and Honours,

Having not been honoured with a Letter from the govern^{mt} of the Massachusetts either since or for a considerable time before your Ex^{cy's} arrival at Boston, would make me give Credit to a report which hath been spread abroad here, of there being a new Agent appointed for that Colony, but that I am fully satisfied from the great fairness and Justice of your proceedings in other cases, that when any thing of that nature happens you will be pleased to give me notice of it

I confess I could not expect that my Agency should have survived S^r W^m Phips for having been entrusted with that Imployment by his means I had all the reason in the world to believe it would be determined by his death

And therefore the Obligation that was laid upon me by continuing me in that Trust after his decease hath made too deep an Impression to be forgotten, for which reason tho I most freely acknowledge it is your Interest to make choice of a person more capable to serve you, yet I beg leave to say that I shall not by being removed from y^e Agency Esteem

* Manuscript mutilated.

† Thomas Dongan, formerly Governor of New York, created Earl of Limerick, 1698, laid claim to all the territory between the rivers Kennebec and St. Croix. He had made this claim as against the French, in 1684, and now attempted to prosecute it as against Massachusetts.

my selfe discharged from your Service, but shall think my selfe obliged to render you the best service I can upon all occasions.

And forasmuch as something hath lately hapned at the Committee of the Council appointed to hear Appeals from the Plantations which may in some measure concerne your Colony. I thought it incumbent upon me to acquaint you wth it

It is the buisness relating to y^e appeals brought by Mr Brenton against Mad^m Shrimpton, one of which (viz) that concerning the Briganteen Mary & the Tobacco & hides came on to be heard on Friday the 26th day of April last before the Earl of Pembroke L^d President of the Council, the Earl of Bridgewater, the L^d Chief Justice Holt & Mr Secretary Vernon

At which being willing, if I could, to break the neck of such appeals at once, I and the other Gent. who was Council with me insisted that the matter of which Mr Brenton complained by his appeal being a meer matter of Fact which had rec^d a determination by a Jury of 12 men of the Country, where the cause of suit did arise it could not by the Common Law of England be examined by their Lord^{ps}. And the Lord Chief Justice Holt was of that opinion. But the Attourney and Solicitor General urged that there were many precedents of such Appeals, & that all the depositions of witnesses being transmitted hither their Lord^{ps} were proper Judges of it. And thereupon the further hearing of the Cause was adjourned to Friday the 3^d of this instant May, and their Lord^{ps} ordered precedents to be searched for.

At the time appointed the Cause came on to be heard again but no precedent could be produced of any Appeal which came up to Madam Shrimptons case, But their Lord^{ps} told us they had a mind to hear the merits of the cause and that the benefit of our objection should be saved to us.

Whereupon we proceeded in the Cause and upon a full hearing their Lord^{ps} dismissed the appeal

I must observe to your Excy and honours that at the hearing of this Appeal it appeared that att Tryals by Juries in New England, altho the witnesses give their Evidence *virâ voce*, yet their testimony is likewise committed to writing and delivered to the Jury, and in all appeals such testimony so taken in writing is transmitted to the Council which is a method not known by the co^mon Law nor ever practised in England in the Co^mon Law Courts and appeared very strange to the Lord Chief Justice Holt and others. For at Trials by Juries (which are Trials only by the Common Law of England,) the witnesses give their Evidence *virâ voce* in Court, and are examined by the Council on both sides, but no part of their Evidence ever taken in writing by y^e Court & del^d to the Jury.

If you can alter the course of your proceedings in that respect and reduce it to the method and practice of the Courts of the Common Law in England, and not commit to writing the Evidence of witnesses examined *virâ voce* I will presume to say it will very much conduce to the ease and peace of the people of New England by preventing many vexations and expensive Appeals.

For, then no appeal can be brought to set aside a Verdict given by the Jury because the Lords of the Co^mittee of Appeals will not be able to determine whether the Jury gave a good Verdict or not when they have no part of the Evidence before them

I think it not improper to inform your Excy & honours that 'tis the opinion of all the Lawyers here that in cases of appeals where the King is concerned, as Informations upon penal Laws and the like, his Maty is not circumscribed or limited in point of time or in respect of value, but if your Excy and honours shall think it proper by an Address or otherwise to represent to his Maty y^e mischief and inconveniency that will attend his subjects in that Colony if appeals be not restrained to time and value as well in his Case as in others. I make no doubt but you will find redress therein

But this and the other matters before mentioned are submitted to your more prudent determination, And if upon mature consideration thereof you shall be of opinion that what I have here offered be improper, yet I assure my self you will excuse it, because it proceeds from no other reason than the great zeal I have for your service

And now I begg leave on my own behalfe to take notice that I have rec^d Information that y^{or} Excy & honours have been pleased to remit to Sr Henry Ashurst 500^{li} sterling for his own use upon the Accompt of his Agency which I confess he denied to me, and I was unwilling to believe because our Commission & authority being equal, I hoped our usage and rewards should be equal too — but it being confirmed by several persons of Credit I believe it may be true, and if it be I assure my selfe you will remit me the same sum.

About 3 or 4 years ago I rec^d from Sr Henry Ashhurst 100^{li} which is all I ever had upon accompt of my Agency, and have forbore to press for any more money since, not doubting but you would make other remittances to me when you had a convenient opportunity.

I do not pretend to have disbursed any other money for you then in Coach hire and for Letters and other necessary Expences of which I have not kept any particular Accompt, but I think it proper to let you know that at the many hearings and attendances which we had on y^{or} Acco^{ts} before the King and Council and the Co^mittee of Trade and the Attourney General, I appeared not only as Agent but Counsel for the Countrey, and the allowance for such service I intirely submit to your Consideration and humbly begg pardon for the great trouble which is hereby given you by

Your Excy & Honors Most humble servant

Middle Temple London May 16th 1700.

CON^{ra} PHIPPS." — *Ibid.*,

vol. 3, p. 73.

The above is a copy of the original which was forwarded to Bellomont at New York. It is attested by Secretary Addington, and, by the superscription, it appears that the original was directed to the Governor and Council, at Boston.

Chap. 37. This chapter is from council records, vol. VII., p. 223. It is preserved in archives, vol. 20, p. 56.

By chapter 22, *ante*, the Legislature had already declared it needful that an agent should be appointed to negotiate the affairs of the province in England. The present chapter went a step further and resolved that such an agent be sent. Both this and the next chapter (38), appointing Wait Winthrop agent, had passed both branches before the first adjournment of the General Court. On the day after the Court reassembled, subsequent to the death of the Lieutenant-Governor, the following declaration was drawn up and signed by fifteen members of the Council:—

“Province of the Massachusetts Bay

By the Hon^{ble} the Council of His Ma^{ty}s s^d Province.

Whereas during the present Session of the Great & General Court or Assembly of this his Ma^{ty}s Province which began upon Wednesday the Twenty eighth day of May last past, the Council & house of Representatives did severally pass two Resolves in the words following. That is to say,

‘Resolved That an agent be sent from this Province to manage the affairs thereof in England. &

Resolved That Wait Winthrop Esqr be sent by this Court as an Agent for this Province to manage the affairs thereof in England.’

And that soon after the passing of the s^d Resolves by the Council, the Lieut Governour by reason of his pains & sickness adjourned the Court from Munday the 30th of June unto Friday the fourth of July following. and his sickness afterwards increasing upon him made a further adjournment unto yesterday the 30th of the Same July and died in the interim not having signified & declared his consent to the s^d Resolves, in writing. So that by reason of the death of the Governour and Lientent or Deputy Governour of this his Ma^{ty}s Province the powers of the Governour are, by his Ma^{ty}s Royal Charter or Letters Patents, at present devolved upon and vested in the Council or Assistants of the s^d Province for the time being or the major part of them

Pursuant therefore to the power & authority given & granted unto us as afores^d We do hereby approve and consent to the two several Resolves herein before recited Given under our hands at the Council Chamber in Boston the Thirty first day of July 1701

By Order of the Council.

Is^t ADDINGTON Sec^{ry}./.

JA: RUSSELL

JONATHAN. CORWIN

EM HUTCHINSON

ELISHA COOKE/

JOHN FOSTER

JOSEPH LYNDE

JOHN HATHORNE

PETER SERGEANT

PENN TOWNSEND

ELISHA HUTCHINSON

JOHN WALLEY

BENJA BROWNE

SAM SEWALL.

DANIEL PEIRCE

SAMLL PARTRIGG.”—*Mass.*

Archives, vol. 20, p. 56.

Chap. 38. This chapter is from archives, vol. 20, p. 55. It is recorded in council records, vol. VII., p. 223. See note to chapter 37, *supra*.

Chap. 39. This chapter is from council records, vol. VII., p. 194, and archives, vol. 70, p. 526.

By resolves, 1699-1700, chapter 24, Bumstead had already received the grant of a pension of four pounds intended to be paid annually; but, unfortunately for him, it was expressed so ambiguously* that the Council seem not to have deemed it prudent to draw a warrant therefor upon the province treasurer. Bumstead appears not to have understood the reason of his failure to receive the pension which he expected. He accordingly applied the next year, in the following petition, to have “a yearly stipend . . . settled and confirmed” upon him:—

“To the Rt Hon^{ble} Richard Earle of Bellomont Captain Generall and Gov^r in Chiefe in and over his Maj^{ties} province of the Massachusetts Bay in Council, and to the hon^{ble} house of Representativ^s in Generall Court Assembled this 8th June 1700/.

The Petition of Jeremiah Bumsted,

Humbly Shewth

That in the first Indian Warr about 24 years since Yor Petr at several times, had six horses prest into y^t service, whereof one was Killed, That your Petr was alsoe press’d into y^e service where he rec^d a wound yt has ever since made him a Cripple, w^{ch} hath reduced him to great indigence & poverty, your Petr nev^r having rec^d any Satisfacc^on for the loss of his horse and Lameness only a Grant of some Land in the wildernes w^{ch} after long time he sold for five pounds in Country pay, This hon^{ble} Court the last session allowed yor Petr four pounds a yeare as a stipend, w^{ch} he nev^r rec^d

Yor Petr most humbly intreats considerac^on of the p^rmisses, & That a yearly stipend may be settled & confirmed on yor Petr as is vsually done by y^e Kings Maj^{ty} in like cases; , for the life of yor Petr

And shall pray.”—*Mass. Archives, vol. 70, p. 476.*

The petition was read, on the eleventh of June, 1700, in the Council, where it was agreed that his stipend be enlarged and made eight pounds per annum, and a vote to that effect was sent to the representatives, for concurrence. The House, however, refused to concur, but, on the thirteenth, voted that the former allowance of four pounds per annum during life be continued and duly paid to the petitioner. This failed to receive the concurrence of the Council, and so the petitioner was obliged to make another application. This he did in the following petition:—

“To the Hon^{ble} Liev^t Gov^r Council and house of Representatives in General Court assembled at Boston y^e 4th June 1701—

The Petition of Jeremiah Bumstead of Boston

humbly shewth

That yor Petr was a Corporal in Captⁿ Jacobs Company in the first Indian Warr, and in an Eugagem^t with them received a wound by a shott on his thigh, since which time he hath been Lane and Infirme, and vnable to gett a Competent liveing; and his wound

* “That the petitioner, Jeremiah Bumstead, be allowed four pounds money during his natural life,” etc.

being much worse now then ever, and age creeping vpon him rend^{rs} him an object of yo^r hon^{rs} Comiseration, & Incapable of getting a penny, yo^r Pet^{rs} house, (w^{ch} is all that he hath in y^e world) being deeply mortgaged. He most humbly thanks yo^r hon^{rs} for yo^r benevolence to him in giveing him heretofore four pounds on this acct But so it is that yo^r Pet^r is reduced to so great indigence by the s^d wound and misery's y^t have attended it, y^t he is in some fear & danger of starving if not speedily releived.

Yo^r Pet^r therefore prays Consideration of the p^{mi}sses That yo^r hon^{rs} wou^d pleas to allow him; what by his hon^r and Council was latly voted and thought fitt to be allow^d to persons in his Circumsta^{nc}[es*] or that some oth^r care be taken, as to yo^r hon^{rs} shall seem meet

And yo^r Pet^r &c. — *Ibid.*,

p. 526.

This petition was read in the House on the third of June, when the resolve which constitutes this chapter was passed thereon and sent to the Council, for concurrence. On the sixth it was passed by the Council, in concurrence, but was not signed by the Lieutenant-Governor at the time of the adjournment of the Legislature. On the first of August the Council drew up and signed the following declaration: —

“Province of the } By the Hon^{ble} the Council of His Mat^{ys} s^d Province —
Massachusetts Bay }

Whereas during the present Session of the Great & General Court or Assembly of this his Mat^{ys} Province, which begun upon Wednesday the Twenty eighth day of May last past, the Council and House of Representatives did respectively pass the several Resolves and Orders herein after mentioned That is to say.

A Resolve That the su^m of Five pounds be, from the Seventh day of the month of June last, annually allowed and paid out of y^e publick Treasury unto Jeremiah Bumstead in consideration of his being made a Creeple by a Wound received in his Mat^{ys} service against the Indian Enemy, during his natural life, Four pounds thereof being to be understood as the Allowance formerly given him on y^e considerac^on afores^d

A Resolve That the su^m of Four pounds be allowed and paid out of the publick Treasury unto Benjamin Nason of Barwick towards defreying the charge of his Daughters Redemption from y^e Indians with whom she had been several yeares Captive

A Resolve That there be paid unto Cap^t Thomas Browne out of the publick Treasury, Five pounds in full compensation for the loss of his horse in pursuit of the Indian Enemy *Anno* 1697.

A Resolve That the su^m of Twenty four pounds nineteen shillings and eleven pence be allowed and paid out of the publick Treasury unto Caleb Ray late Keeper of his Mat^{ys} Goal in Boston in full of his Accompts for keeping of sundry persons comitted for Piracy &c;

A Resolve That there be paid out of the Province Treasury Five pounds ten shillings to Arthur Mason in full satisfaction for his service in a Journey to New Yorke *Anno* 1673. over and above what he formerly received;

An Order settling the Boundary Line between Sudbury & the Farmes annexed to Framingham

An Order That the Treasurer receive and give Credit for two Indented Bills of the Massachusetts Colony, one of five shillings, the other of two shillings value belonging to Benjamin Fitch, and for one indented Bill of s^d Colony of ten shillings belonging to Henry Hill, Constables of Boston

A Resolve That the Su^m of Fifteen pounds be allowed out of the publick Treasury to Mr Warham Mather for his service as Chaplain at Northfield in the time of the Govern^{mt} of S^r Edmund Andros;

A Resolve granting a Tract of Land to the Inhabitants of the Town of Springfield for a new Township &c.

A Vote That Mr James Taylor be Treasurer and Receiver General of this Province for the year ensuing.

A Resolve That there be paid out of the publick Treasury Unto Nicholas Picket of Marblehead, a Souldier wounded in his Mat^{ys} service a stipend of seven pounds p^r year annually in lien of the Five pounds p^r annum formerly granted him

A Resolve That the Su^m of Five pounds be allowed to the Town of Wells, and the like su^m of Five pounds to the Town of Yorke and y^e su^m of Ten pounds to the Precinct of Barwick in the Town of Kittery, out of the publick Treasury towards y^e maintenance of the Ministry in s^d Towns and Precinct. And

A Resolve That the su^m of Two pounds be allowed & paid out of the publick Treasury, to Cap^t Samuel Phips in consideration of extraordinary service by him done for the house of Representatives.

And whereas his Honour the Lieut^t Governour, soon after the passing the Resolves and orders afores^d by the Council and Representatives, died, not having signified his consent thereunto in writing. So that by reason of the death of the Governour and Lieutenant or Deputy Governour of this his Mat^{ys} Province the Powers of the Governour are, by his Mat^{ys} Royal Charter or Letters Patents, at present devolved upon and vested in the Council or Assistants of the s^d Province for the time being, or the major part of them

Pursuant therefore to the power and authority given and granted unto us as afores^d We do hereby approve and consent to the several Resolves Vote & Orders herein before recited & every of them

Given under our hands at the Council Chamber in Boston the first day of August 1701.

| | |
|----------------|--|
| By the Council | Is ^d ADDINGTON Secy |
| WAIT-WINTHROP | JOHN APPLETON |
| JA RUSSELL | JOHN THACHER: |
| ELISHA COOKE | NATHAL BYFIELD |
| JOHN HATHORNE | BENJA BROWNE |
| SAM SEWALL. | JOHN HIGGINSON |
| WM BROWNE | SAM ^l PARTRIGG.” — <i>Ibid.</i> , |
| PENN TOWNSEND | |

vol. 48, p. 340.

* Manuscript mutilated.

The payment of this allowance was authorized by the following comprehensive order embracing several other allowances granted before and after the passage of this chapter:—

"Aug. 3, 1702. Whereas sundry Pensions, stipends and annual allowances have been granted by the Great and General Court or Assembly to divers persons, to be paid out of the publick Treasury in consideration of Wounds and Maihems received in her Majty's service.

Advised and Consented. That his Excellency issue forth his Warrant unto Mr Treasurer to pay unto the sd persons all such sum and sums of money as is, are or shall be due unto him or them respectively according to the tenour of the several Votes, Orders or Resolves, wherein such Pensions, Stipends or annual allowances are granted." — *Executive Records of the Council*, vol. 3, p. 355.

In the province treasurer's accounts from May 27, 1702, to May 26, 1703, is the following entry:—

"Paid Jeremiah Bumsted to y^e 7th May 1702 5^{ll}—^{ss}—^{ds}."

—*Mass. Archives*, vol. 122, p. 166.

Chap. 40. This chapter is from council records, vol. VII., p. 194, and archives, vol. 70, p. 482.

The following is the petition upon which this resolve was founded:—

"To the Honourable William Stoughton Esq; Lieut Governour Together with the Honour'd Council and Representatives, of His Majties Province of The Massachusetts Bay, Convened In Generall Assembly—

Benjamin Nason of Barwick, In the County of York humbly Petitioneth—

That, Whereas In the year of o^r Lord 1694 his Daughter Sarah was by The Indian Enemy Captivated and in their hands detained till January, 1699 or 700 At which time She was Redeemed by One Thomas Hutchings, off whom yor Petitioner was Necessitated to Purchase her by Paying to him the Sum of five pounds, five Shill. & Six pence, according to his inclosed accompt & Receipt, Or Else to forego her, besides his sustaining Other Losses & being wounded to the Disableing of One hand in a great measure, by the Same Enemy—

Therefore it may Please yor Honours, to Allow him the Charges of his daughter's Redemption, which favour he Understands Others In the Like Case have Obtained, And Begs that Yor Hono^r may now See Cause to Bestow Upon Yor Hono^rs Most humble Petitioner

BENJAMIN NASO." — *Mass.*

Barwick Sept. 21. 1700
Archives, vol. 70, p. 482.

With this petition was filed the following account of expenses:—

| | |
|--|--------|
| "for her ransom 10 seins | 3=10=0 |
| for 1 blancet | 0=07=0 |
| for 1 par of stockens | 0=03=0 |
| for 1 short | 0=07=0 |
| for 1 Com | 0=00=6 |
| for her being aboard 3 weeks | 0=18=0 |
| | <hr/> |
| | 5=05=6 |

Janvary the 29. 1699

Resened the ful above mened of bengman Nason I sa resened by me wich money his for Redem^{tion} of sary nason

THOS HUTCHINGS

Atest

SAMU: JOHNSON

JOSEPH YOUNG." — *Ibid.*, p. 483.

The above petition was read in the House on the thirty-first of May, and referred to a committee, whose report, nearly in the language of this chapter, was incorporated in the resolve, which was thereupon passed in the House on the fourth of June and concurred in by the Council on the sixth. This is one of the resolves not signed by the Lieutenant-Governor, but assented to by the Council later, as shown in the note to chapter 39, *ante*.

The order in Council* for the payment of this allowance was passed August 1, 1701, and the amount was duly charged as paid, in the province treasurer's accounts.†

Chap. 41. This chapter is from council records, vol. VII., p. 198, and archives, vol. 70, p. 527.

This is one of the resolves passed at the former session, but not signed by the Lientenant-Governor. See note to chapter 39, *ante*.

The following is the petition upon which this resolve was founded:—

"To the Hon^{ble} The Lt Gov^r Council and house of representatives in Gen^l Court assembled this 5th June 1701

The Petition of Capt^m Thomas Browne

humbly shewth

That yor Petr in the Month of Sept^r 1697 when the Indians alarmed the Towne of Lancaster, was Comanded by Maj^r Tyng with a Company of soldiers to pursue them, and in that pursuit and Expedition lost a very good horse of about Tenn pounds value, and nev^r yet had any satisfaction for the same

Yor Petr hopes yor hon^{rs} will consider the premisses, and recompence yor petr by allowing him the value of his loss, purely sustain'd in the Countreys service, or w^t othr^e compensation yor hon^{rs} shall see meet; And yor Petr &c^a." — *Mass. Archives*, vol. 70, p. 527.

* *Executive Records of the Council*, vol. 3, p. 226.

† *Mass. Archives*, vol. 122, p. 171.

It was read, first, in the House, on the fifth of June. On the ninth the resolve which constitutes this chapter was passed and sent to the Council, for concurrence, where, on the tenth, it was passed, in concurrence. On the first of August it was approved by a majority of the Council, who, on the same day, passed an order* for a warrant to the province treasurer to pay the amount allowed.

Chap. 42. This chapter is from council records, vol. VII., p. 198. It has not been found in the archives.

Ray's account mentioned in this chapter has not been found.

On the twenty-fourth of June, 1699, two prisoners in Boston jail, Joseph Bradish and Tee Witherly, or Witherell, committed on the charge of piracy, escaped by the aid of Kate Price, a maid, probably a fellow-prisoner.† On the seventh of July, Ray was summoned before the Council and examined "about the escape" of these prisoners. On the fourteenth, an act‡ was passed giving the custody of jails to the sheriffs of the respective counties, and on the twenty-fifth the following order was passed by the Council:—

"July 25, 1699. Advised and Ordered. That the Kings Attourney General be, and hereby is directed to make inquiry into the escape of Joseph Bradish and Tee Witherly, committed for Piracy, and to raise a prosecution against Caleb Ray late Keeper of his Majtys Goale in Boston, for the same.

And that the said Caleb Ray with his Family be forthwith removed from the precincts of the said Goale.

Executive Records of the Council, vol. 3, p. 48. BELLOMONT." — *Exec-*

On the twenty-sixth of October, following, all three of the prisoners had been recaptured and brought to Boston where they were recommitted to the jail from which they had escaped.§

Ray was separately indicted for the escape of the alleged pirates. The record of these indictments and of the acquittal of Ray on both is as follows:—

"Anno RR^s Gulielmi Tertii nunc Angliæ &c undecimo.

Suffolke ss:

At his Majesties Superiour Court of Judicature, Court of Assize and General Goal. Delivery holden At Boston for the County of Suffolke upon Tuesday the Seventh of November. 1699

Present the Honorab^{ll}

| | |
|--------------------------|------------------|
| William Stoughton. | } Esqrs Justices |
| Wait Winthrop. | |
| Elisha Cooke and | |
| Sam ^{ll} Sewall | |

Caleb Ray of Boston in the County of Suffolke being Indicted by the Grand Jury for that to wit whereas Joseph Bradish marriner at Boston in the County of Suffolke afores^d was taken apprehended and Committed to the Safe keeping of Caleb Ray the Prison keeper of his majesties prison in Boston in the s^d Prison to be kept, untill the said Bradish be discharged by Order of Law as in the *mittimus* which is in the words following doth appeare viz^t To the Keeper of his majtys Prison in Boston Greeting &c—In his majesties name you are Requir'd to receive into your Custody within the s^d Prison the Body of Joseph Bradish marriner herewith sent you for Combining and Conspiring with others of the Company belonging to the Ship Adventure of London Thomas Gullock late Commander bound for Borneo in India, and feloniously and piratically Seizing and Running away with the s^d Ship and Cargo, leaving the s^d Comander with diverse others of the Company on Shoare in an Island there—. And the s^d Joseph Bradish you are to keep safe, untill he be discharged by Order of law, for which doing this shall be your Sufficient Warrant. hereof faile not, dated in Boston, April. 10th 1699 *Annoq; RR^s Gulielmi 3ⁱⁱ Angliæ &c undecimo.* Elisha Cooke, Isa Addington. *J Pac:* and under their Seales—By Virtue of which *mittimus*, the s^d Caleb Ray the then Keeper of his majesties prison in Boston upon the 10th day of April last. 1699 the Body of the s^d Joseph Bradish within the s^d Prison did receive, and him in safe Custody did keep, untill Saturday the Twenty fourth day of June last past, about nine a clock in the Evening of that day, and then s^d Caleb Ray did negligently Suffer the s^d Joseph Bradish out of the s^d Prison to make an escape and go at large whether he would, which is a high misdemeanour agt the express tearmes in the said *mittimus*, and a high breach of the trust in him the s^d Ray Reposed, and agt the peace of Our Sover^m I^d the King, his Crowne and dignity, and the laws in such Case made and provided—. Upon which Indictm^t afores^d the s^d Caleb Ray was arraigned and pleaded not Guilty, putting him self upon his Country for Tryall, and the persons returned to upon the Jury being called Over, The prisoner made no Challenge Cap^t George Lawson and the other Eleven withinnamed were Sworne according to law. and the Indictment being again Read, the wittnesses called and Sworne, and the Evidence, with the Prisoners defence being fully heard, the Jury were sent out, and who Returned, being agreed on their Verdict, and that the foreman should speak for them, upon their Oaths found the s^d Caleb Ray not Guilty

It's therefore Considered by the Court that the s^d Caleb Ray be and hereby is discharged paying fees of Court &c." — *Records of the Superior Court of Judicature, 1686-1700, p. 281.*

* Executive Records of the Council, vol. 3, p. 225.

† "Midsummer Day, 1699. . . . At 9. at night Bradish and Witherly get out of Prison and make their escape with the Maid that help'd them out." — *Sewall's Diary, vol. I., p. 498.*

‡ Province Laws, 1699-1700, chapter 9.

§ Sewall's Diary, vol. I., p. 503.

“*Anno RRs Gulielmi Tertii Angliæ &c Duodecimo*

At his Majestys Superiour Court of Judicature Court of Assize and General-Goal-Delivery held at Boston for the County of Suffolke, on Tuesday the Seventh of May.
— *Annoq; Domini*, 1700. —

Present the Hononrab^l

| | |
|--------------------|---------------------------------|
| William Stoughton. | } Esq ^{rs} Justices |
| Waitt Winthrop. | |
| Elisha Cooke and | |
| Samuel Sewall. | |

Caleb Ray of Boston in the County of Suffolke being Indicted by the Grand Jury for *Dom: Rex ag^t* that to wit whereas Tee Witherel Seaman at Boston in the County of Suffolke was taken, Ray — apprehended and committed to the Safe keeping of Caleb Ray the Prison Keeper of his Majestys Prison in Boston in the s^d Prison to be kept, untill the s^d Witherel be discharged by Order of Law as in the *mittimus* doth appear; By Vertue of which *mittimus* the s^d Caleb Ray then Keeper of his Majestys Prison in Boston upon the thirty first day of March 1699 the Body of the s^d Tee Witherel within the s^d Prison did Receive and him in Safe Custody did keep untill Saturday the Twenty fourth day of June then ensuing, about nine a clock in the evening of that day, and then s^d Caleb Ray did negligently Suffer the s^d Tee Witherell out of the s^d Prison to make an escape and go at Large whether he would, which is a high misdemeanour against the express Termes in the s^d *mittimus* and a high breach of the Trust in him the s^d Ray reposed and against the peace of Our Sover: Lord the King his Crown and dignity and the Laws in such Case made and provided upon which Indictment the s^d Caleb Ray was arraigned and pleaded not Guilty putting him Self upon his Country for Tryal, the persons Returned to Serve on the Jury being called over the prisoner excepted against John Camble and Zachariah Tutbill wherenpon Thomas Thaxter and John Hunting were Sworne in their Room John Indicot foreman and the Rest were all Sworne according to Law and the Indictm^t being again Read and the Wittnesses called & Sworne and the Evidence with the Prisoners defence being fully heard, the Jury were Sent who Returned being agreed on their Verdict and that the foreman Should Speake for them upon their Oaths found the s^d Caleb Ray not Guilty —

Its therefore Considered by the Court that the s^d Caleb Ray be and hereby is discharged paying Charges of prosecution.” — *Ibid.*, 1700-1714, p. 11.

Ray seems not to have presented any account while under suspicion of negligence or complicity in this escape, but after the lapse of two years he received the allowance granted by this chapter, under an order in Council* passed August 1, 1701.

This is one of the resolves passed at the former session, but not signed by the Lieutenant-Governor. See note to chapter 39, *ante*.

Chap. 43. This chapter is from archives, vol. 105, p. 36. It is recorded in council records, vol. VII., p. 201.

This is one of the resolves passed, but not signed, during the previous session. See note to chapter 39, *ante*.

The following is the petition upon which this resolve was founded: —

“To the Hon^{ble} William Stoughton Esq^r Left Gouvernor And Comander in Cheiffe in & ouer his Majesties province of the Massasnets Bay with y^e Honorable Councill and Representitives Assembled In y^e great & Generall Court this 28 Day of May 1701 —

The Petition of Arthur Mason Most humbly p^{re}senteth that In y^e month of Nouember In y^e yeare 1673 — yours Honors petitioner was with Mr Nathaniel Davenport, sent by y^e hon^{ble} Court of the Massathusetts Collony one A speciall Message of great Concernement to y^e Country, vnto the then Gouvernor of y^e New Netherlands *Alias* new yeorke, whose name was Colue,† Mr Andrew Belchor being then our guide As far as Hartford, Att which time your petitioner Rode vpon his owne horse which Cost him Eighteene pounds, which performed y^e Journy Very well, till he Came backe againe to Wattertowne, where the said horse fell Downe vnder your petitioner and soone After Dyed, y^r petitioner to this Day haueing not beene satisfied for his horse nor him selfe for his sore Journy in y^e Winter season which was performed, with great Expedition, as the Bussines Required, and y^e End thereof was Also happily Attained, Not withstanding your petitioner hath senerall times made Verball Application to the Athority then In being without success —

Y^r petitioner Doth therefore now present his humble Address In Writting to this Honorable Assembly Besseching y^r Honers to Consider the premises: and According to your Wisdome and Justice Vouchsafe A Due Compensation vnto y^r petitioner for y^e Cost and tranel he hath beene at In maner Aforesaid, that he may (not at y^e long Rune) fare y^e worse for his patience, forbarance and perhapps want of oppertunity which now his Age and lameness and other Circumstances Doth Nessesarily Incite him to, In all which y^r Honors will greatly obleige y^r petition^r to pray &c.” — *Mass. Archives*, vol. 105, p. 35.

The mission upon which Mason and Davenport were sent is shown in the following correspondence: —

“S^r

Having Intelligence that you have lately seized severall vessels belonging to the Vnited Colonies of New England in their Sayling from Port to port uppon these Coasts & that you doe Contrary to y^e practise of both Nations in this warre deteyne y^e men prisoners w^{ch} depredation uppon us & our people you have made before wee have given you any provokation or offred you or yours any Injury or Cômmissioned any of ours to seize any thing of yours; Wee doe hereby demand the Delivery & release of our vessels men & goods forthwith otherwise according to the former Resolution of the Vnited Colo-

* Executive Records of the Council, vol. 3, p. 225.

† Captain Anthony Colve, Dutch Governor-General of New York.

nijes Wee doe declare our Selves bound & Resolved by y^e help and assistance of god to Endeavour a full Reparation by force of Armes, Expecting your present & possitive answer by these our Messengers Mr Nathaniel Davenport & Mr Arthur Mason whom wee have sent unto you for that End;

Boston 25th 9^{ber} 1673. Your Servants In the Name & by order of y^e gouvern^r & Counsel of his Maijties Colony of y^e Massachusets in N. England. EDWARD RAWSON Secret^{ry}." — *Documents Relating to the Colonial History of the State of New York*, vol. II., p. 667.

The superscription was: —

"ffor the Hon^{ble} Monsir Anthony Colve Command^r in Chiefe of all the dutch forces in the ffort William Hendrick." — *Ibid.*

"Gentlemen.

Your letter of the 25th 9^{ber} last was handed to us yesterday evening by the bearer hereof, wherein you demand restitution of four New England ketches brought in here. You cannot be ignorant that first the government of Connecticut, your allies, with your approbation as they give out, hath usurped some towns situate on the east end of Long Island, belonging, according to their own submission, to this government; and that the subjects of your own government hath taken near Nantucket and carried into New England a certain craft called the *Expectatie*, then belonging to our State, which act of hostility was committed by you before and previous to anything on our side having been undertaken to your prejudice. However, such having been undoubtedly done by lawful commission, we cannot make the slightest complaint, which to our surpise we perceive you have, in the case of the four ketches, whose crews have not been detained prisoners here as you write, but are sent to you free of expense, and they will undoubtedly before the receipt of this have reported to your Honor how they have been treated here. We had in our previous letter to you requested the same civility in the case of our prisoners, and even expected it.

Gentlemen. We have thought it necessary to inform you that all the messengers who may be sent by you hither, shall be received also with civility, but we request you in future to be pleased to employ honorable people in that capacity and no spies, which we are informed for certain this Mr Davenport was, the last time, who although coming here without a pass being, however excused and civilly treated, after his departure hence made use of such language as cannot be considered to come from any one but a spy, considering, however, the character in which he is at present employed by you, I have for that reason overlooked it. Having nothing more to add I break off and subscribe myself,

Gentlemen, your servant,

By order of the Governor-General

and Council of New Netherland.

N. BAYARD, Sec^y.

Done Fort Willem Hendrick, this 13th December, 1673." — *Ibid.*

The superscription was: —

"These for the Hon^{ble} the Governor and Council of Massachusets Colony in New England, residing at Boston." — *Ibid.*, p. 668.

In June, 1674, the General Court of the colony granted Mason five pounds for the loss of his horse;* but no other compensation appears of record.

The order in Council† for the payment of this allowance was passed August 1, 1701.

Chap. 45. This chapter is from council records, vol. VII., p. 206. It has not been found in the archives.

This is one of the resolves passed, but not signed, during the previous session. See note to chapter 39, *ante*.

Chap. 46. This chapter is from archives, vol. 11, p. 160. It is recorded in council records, vol. VII., p. 209.

This is another of the resolves passed at the first session, but not signed by the Lieutenant-Governor. See note to chapter 39, *ante*.

This resolve was passed upon the following letter or statement, dated December 15, 1699, to Mr. Joseph Hawley who that year represented Northampton in the General Court: —

"Mr Hawley

In Sir Edmond Andros's time of governing the Lieutenant Governour Niholson, coming in to these parts and finding Northfield in danger of being deserted, desired me to go and reside amongst them and be y^r minister half a year and promised that he would endeavour that I should be rewarded for it out of the publick treasury, and that in case the governour would not reward me for that service, he would give me fiveteen pounds money out of his own pocket I went and served them according to his desire; Sir Edmond coming into these parts quickly after, Mr Stoddard discoursed with him about what was done by Capt Nicholson, he spake encouragingly as if he would pay me for serving my countrey, thus Mr Stoddard informed, I desire you would propose the case to the committee appointed for allowing Sir Edmonds debts or whomsoever els it belongs to to pass It, and to demand and receive of the treasurer in my name, whatsoever they shall allow me.

In witness whereof I hereunto set my hand, this .15. of Dec. 1699. these words, in the tenth line, I went and served them according to his desire being first interlined.

SARAH STODDARD
ELEZBATH HAVENS

WARHAM MATHER

Sir I furthermore declare yt I have received no reward, for the said service, save onely that the people in the sd Town gave me my board and kept my horse, according to their agreement.

WARHAM MATHER." — *Mass.*

Archives, vol. 11, p. 160.

* *Mass. Colony Records*, vol. V., p. 10.

† *Executive Records of the Council*, vol. 3, p. 225.

This resolve was passed, first, in the House, on the twentieth of June, on which day, also, it was concurred in by the Council. It was consented to, August 1, 1701, by a majority of the Council, who, on the same day, passed an order* for a warrant to the province treasurer to pay the amount allowed.

The petitioner was son of Eleazar, and cousin of Cotton Mather.

Chap. 48. This chapter is from council records, vol. VII., p. 219. It is preserved in archives, vol. 70, p. 524.

This is another of the resolves passed, but not signed, at the first session. See note to chapter 39, *ante*.

The petition upon which this resolve was passed is as follows: —

“To The hon^{ble} Lev^t Govern^r Councill & Representatives In Gen^l Courtt &c^e”

The Petition of Nicholas Pickett a Souldier wounded in his Maj^{ties} service, An Inhabitant of the towne of Marblehead

humbly sheweth

That whereas att a Gen^l Courtt Upon the 26th day of May 1697, & Continued by prorogations unto the 13th day of October followeing, Itt was then Votted that there should bee Allowed outt of the publick Treasury unto Your poore Pitition^r the sume of tenn poundes for that Yeare, And Five poundes ^{pr} Añum afterwards, till farther order, and alsoe the Charge of the Cure to bee defrayed by the Publick, as by saide vote may appeare, and where as your poore Pitition^r being now Fifty six yeares of age & more and not able to doe any thing to help him selfe towards a Livelyhood, and findeing that five poundes a yeare is not sufficient Maintenance, butt must Inevitably suffer, Doth therefor most humbly Pray Your hon^{rs} &c. well to Consider my Low Condition, and Grant mee such farther supply toward my Maintenance, as may bee in some Measure sufficient for mee in my Aged Estate & Weake Condition as alsoe for the Cureing the wound which is not yett Perfected

And Your hon^{rs} Poore Pitition^r shall Ever pray as in duty &c^e

Marblehead May 20th 1701 @

N[ICHOLAS] P[ICKETT].” — *Mass.*

Archives, vol. 70, p. 524.

The circumstances under which Pickett was disabled are shown in the note to resolves, 1697, chapter 46. The pension granted in that chapter being insufficient for his support, Pickett applied again, in the above petition, which was read, first, in the House, on the twenty-seventh of June, and thereupon, on the same day, this chapter was passed through all the regular stages in both branches. It was consented to by a majority of the Council on the first of August.

By the province treasurer's accounts it appears that Pickett was paid seven pounds for the years ending June 27, 1702, and June 27, 1703, respectively.† The order in Council authorizing these payments was the general order of August 3, 1702, printed in the note to chapter 39, *ante*.

Chap. 49. This chapter is from archives, vol. 11, p. 162. It is recorded in council records, vol. VII., p. 221.

This is another of the resolves which were passed, but not signed, during the first session. See note to chapter 39, *ante*.

The chapter was based upon the following petition: —

“To the Honored Leftenant Gouener Councell & Representatives In Generall Cort Asembled the Humbel petision of Nicolas Gowen & James Plasteed. Representatives for y^e Towns of Kittrey & York humbely sheweth —

That wels. york: & barwick haueing bin by y^e former & latter wors so impouerished y^t y^e are not abel to maintain yr ministers as y^e out. a y^r fore Begs such asistence as this Cort shall think meet — Also y^r garisons being gon to decay y^e do. furdur beg y^t yr might be som spetial care taken for makeing & Repairing such as your. Honers shall think Needful at y^e publick charge for y^e preservation of those parts they being the most Exposed to danger by ye indians Enimy & your petistionōrs shall Euer pray;

NICOLAS GOWEN

JAMES = PLAISTEED.” — *Mass.*

Archives, vol. 11, p. 162.

This petition was read, first, in the House, on the twenty-sixth of June, and on the twenty-eighth the resolve which constitutes this chapter was passed and sent to the Council, for concurrence, and was concurred in. It was consented to by a majority of the Council on the first of August, on which day, also, an order was passed in Council‡ for the payment of the several allowances therein made.

See resolves, 1698, chapter 53; 1699–1700, chapter 18; and 1700–1, chapters 22 and 41.

Chap. 50. This chapter is from council records, vol. VII., p. 223. It has not been found in the archives.

This is the last of the resolves passed, but not signed, at the first session. See note to chapter 39, *ante*. The action of a majority of the Council upon this chapter is recorded in council records, vol. VII., p. 223. It is also printed from the original in the state archives in the note above referred to.

The order in Council* for the payment of this allowance was passed August 1, 1701.

Chap. 51. This chapter is from archives, vol. 20, p. 57. It is recorded in council records, vol. VII., p. 229. See chapters 22, 36, 37 and 38, *ante*, and notes.

The report that Joseph Dudley was seeking the appointment of Governor, with a fair prospect of succeeding, alarmed the party which had always opposed him. At the head of

* Executive Records of the Council, vol. 3, p. 225.

† *Mass. Archives*, vol. 122, pp. 166 and 192.

‡ Executive Records of the Council, vol. 3, p. 226.

this party stood Wait Winthrop, who, after the death of Stoughton, had been called to preside over the Council, and had also succeeded Stoughton as chief justice of the Superior Court of Judicature. There seems to have been no properly and regularly commissioned agent of the province then in England, although Sir Henry Ashurst was actively engaged there in looking after the interests of Massachusetts, in which he had the coöperation and advice of Constantine Phipps, who appears to have supposed that his appointment to the agency under Sir William Phips had been in some manner continued and was still in force.

Less than two months later than this, it transpired that not only was Ashurst at this time opposing Dudley's appointment, but that he was receiving encouraging letters from Winthrop, Cooke, Elisha Hutchinson and Sergeant, all of the Council.

This may account for the selection of Winthrop as agent, and for the haste in which his appointment was determined upon and his commission and instructions prepared, and the money raised to be used by him in effecting the object of the agency.

The resolve appointing Winthrop was approved on the thirty-first of July; and this chapter, which ordered that he be formally notified by a joint committee, followed, the next day. On the sixth of August he presented in Council his answer to this notification, "Containing Several proposals thereto,"* as follows:—

"BOSTON, August 6th, 1701.

In answer to the motion of the Great and Gen^l Court now siting, communicated to me by their hon^{ble} co^mitte, desiring me to goe for England to negotiate their affaires there, it is humbly proposed: 1st, That I may haue opertunity to sattisfy mysef with respect to the co^mission and instructions to be giuen me; 2^{ly}, That the Hon^d Court will please to repose an intire trust and confidence that I will with all faithfullness serue them to the utmost of my ability; 3^d, That care be taken to procure such sums of mōny which I may not faile of at my arrivall in England, as may enable me not only to appear there in quality of their Agent, but also effectnally to manage their business committed to my care, and that I may not be lyable to render perticular accounts of that betrusement. And for as much as our fathers and predecessors who were the first settlers of this country (som of them more espially) parted with and spent grate estates for the enjoyment of the pure order of the Gospel which they here set up, and has been ever since practised in the generallity of these churches, — if in the judgment of those who are there, freinds to this country and that interest, as well as in my own, there should be a prospect of obtayning a lasting settlement on the same foundations, I would be enabled by credit from this Court to effect the same, let it cost what it will within the compass of their ordinary ability. All which is humbly submitted to the wisdom of this hon^d Court to be considered, and being consented to, I shall apply mysef to get ready for the first convenient opportunity, suitable provition being made for my passage, reseruing som convenient time for settleing my own affairs here.

WAIT WINTHROP.

Presented 6^o Aug^t 1701, Read in Council and sent down.

Aug^t 6th, 1701, Read in the House of Representatives." — *Mass. Hist. Soc. Coll.*, vol. V., sixth series, pp. 94, 95.

This answer was immediately read, and sent to the House, and, on the eighth, it being returned "only with a Notation of its having been read in that House, [it] was again read, and upon Debate had thereon, was withdrawn by himself."†

The proposals made by Winthrop in his letter of acceptance seem to have caused dissatisfaction both in the Council and in the House of Representatives. Sewall records that they had much ado to get the requisite number of councillors to sign his commission ‡

His commission, which was sent up to the Council from the House on the eighth of August, and was there read and adopted, in concurrence, on the ninth, and signed by fourteen members, only, of the Council, was as follows:—

"By the Hon^{ble} the Council and Representatives of his Mat^{ys} Province of the Massachusetts Bay in New England in General Court assembled.

To all unto whom these p^{re}sents shall come Greeting.

Know yee That Wee, Reposing special Trust and Confidence in the Loyalty fidelity & prudence of our worthy Friend Wait Winthrop Esq^r; one of the Council of his Mat^{ys} Province aboves^d Have constituted & appointed And Do by these presents constitute appoint and authorize the s^d Wait Winthrop to be Our Agent for us and in our name and behalfe from time to time to attend his Mat^{ys} as there may be occasion, concerning all matters and things that relate to the affairs of this Province or the Government thereof

And to move and solicit, as he may have opportunity, what shall be conducing to the good and welfare of his Mat^{ys} subjects within the same according to such Instructions as are herewith delivered him, or shall be given him from time to time by the Great and General Court or Assembly of this his Mat^{ys} Province of the Massachusetts Bay afores^d In Testimony whereof we have caused the publick seal of the s^d Province to be hereunto affixed Dated at Boston y^e day of August, In the thirteenth year of the Reign of our sovereign Lord William the third by the Grace of God of England Scotland, France & Ireland King Defender of the Faith &c Annoq; Domini 1701

By the Council . . .

JA: RUSSELL
ELISHA COOKE
JOHN HATHORNE
ELISHA HUTCHINSON
SAM SEWALL.

JONATHAN CORWIN
JOHN WALLEY
JOHN FOSTER
PETER SERGEANT
JOSEPH LYNDE

JOHN WALLEY§
PENN TOWNSEND
E^m HUTCHINSON
BENJ^a BROWNE
JOHN HIGGINSON." — *Mass.*

Archives, vol. 20, p. 63.

* Council Records, vol. VII., p. 233.

† *Ibid.*, p. 235.

‡ "If [he] had not withdrawn his paper, [I] suppose he would not have had a [sufficient] number; 'tis said Several Deputies have entered their dissent against the Agency." — *Diary*, vol. II., p. 40.

§ Walley signed twice.

The preparations for his departure were nearly completed when news of the appointment of Dudley reached Boston. This was during the recess of the General Court.* On the fourth of September, which was the second day of the next session, the House passed the following preamble and resolve and sent them to the Council for concurrence:—

“Whereas This House hath Received credible Intelligence, That a Capt Gen^l and Governour in Chief for this Province is Appointed, and may be Expected in a short time to Arrive here.

Resolved That The Sending an Agent from this Province to England, be Deferred till the next session of this Court, And That the Addresse and Memoriall of this Court to his Majty be forwarded to his Majty *mutatis mutandis* as soon as may be.”—*Ibid.*, p. 69.

The Council nonconcurred in this resolve, whereupon the House sent up a message, “desiring to understand the reasons of the dissent of the Board,” etc. In reply, the Council sent down a message by Elisha Cooke and John Foster “to acquaint the House that the same reasons remained with the gentlemen dissenting therefrom as were at first for sending of an agent.”

On the sixth, the House sent up another resolve insisting upon their former resolve, and adding, “that the address and memorial of this Court to his majesty be sent to Mr. Secretary Vernon with the desires of this Court that he will please to prefer them.”

In this resolve the Council again refused to concur; but substituted therefor the following, which they forthwith sent to the representatives for concurrence:—

“Sept. 6, 1701. Resolved That the Address, and Memorial of this Court to his Majesty be Sent to S^r Henry Ashurst Baronet, with the Desires of this Court, That he will please to prefer them, & Solicit the Matters therein Contained on behalf of this province.”—*Council Records*, vol. VII., p. 243.

The House refused to concur in this resolve, whereupon the Council sent a message “to acquaint the House of Representatives that the Board insisted on their resolve.” The House now sent to the Council the following:—

“In the House of Representatives Sept^r 6^o 1701.

Resolved—That the Addresse & memoriall of this Court to His Majty be sent to Constantine Phipps Esqr with the Desires of this Court that he will Please to Prefer the same, and to solicit the matters therein contained on behalfe of this Province

That an Hundred Pounds sterl^g be Allowed and Paid out of the Publick Treasury to s^d Constantine Phipps Esqr as a further Acknowledgment of his service as Agent for this Province.

And That a Letter be Prepared and sent by the Hon^{ble} Council to s^d Constant: Phipps, according to the minutes at the last session agreed upon, with what is further necessary to be written on this Occasion.”—*Mass. Archives*, vol. 20, p. 70.

Upon receipt of this resolve by the Council, it was read, and, upon the question being put, it passed in the negative, “And a Message† was Sent to the House of Representatives to Acquaint that House, That the Board did not Concurr with them in their resolve for Sending the Address, and Memorial to Constantine Phips Esqr but did Adhere to their own, for S^r Henry Ashurst

After which, A Message was Sent from the Representatives to Acquaint the Board, That that House insisted upon their last Resolve as to Constantine Phips Esqr Where upon it was Moved at the Board, That, Inasmuch as there is no prospect of a present Agreement of the two houses about the Person to whom to Send the Address and Memorial, the Sending there of might be deferred and the Court be prorogued for Some time.”

The vote for indefinitely deferring the sending to England seems to have been concurred in.

Chap. 52. This chapter is from archives, vol. 20, p. 58. It is recorded in council records, vol. VII., p. 230.

The resolve which constitutes this chapter was read and passed in the House on the first of August, and concurred in by the Council on the same day. On the fourth,‡ the committee met, and on the seventh§ the “Minutes or heads of Instructions . . . were read, debated, and agreed to, with Some Alterations, and Additions.”

It is probable that the preparation of the instructions stopped here, since nothing further relating to them has been found in the archives, nor has a copy been preserved among the papers which Winthrop was very careful to keep and to transmit to his descendants.

Chap. 53. This chapter is from archives, vol. 2, p. 592. It is recorded in council records, vol. VII., p. 232.

In a letter to Fitz-John Winthrop dated August 4, 1701, John Winthrop thus refers to this expedition:—

“The French king has sent 600 men to Port Royall and strongly fortified all his dominions in America.”—*Mass. Hist. Soc. Coll.*, vol. VIII., fifth series, p. 572.

Chap. 54. This chapter is from archives, vol. 40, p. 721. It is recorded in council records, vol. VII., p. 233.

Walley was appointed a justice of the Superior Court, June 7, 1700. The others had been in commission a full year, in December, 1700.

* “Dudley at present is declared Gov^r of N: England & N: Hampshire.”—*Letter from Ashurst to Fitz-John Winthrop, July 10-17, 1701: Mass. Hist. Soc. Coll.*, vol. III., sixth series, p. 76.

† September 6, 1701. *Council Records*, vol. VII., p. 244.

‡ *Council Records*, vol. VII., p. 231.

§ *Ibid.*, p. 234.

The order in Council* for the payment of the allowances granted in this chapter was passed August 22, 1701.

Chap. 55. This chapter is from archives, vol. 20, p. 60. The resolve is recorded in council records, vol. VII., p. 235.

The original order appointing the committee to prepare this address constitutes chapter 9, *ante*; but after Winthrop had been chosen agent, Cooke succeeded him as chairman.

Elisha Cooke, chairman of this committee; reported in Council the draught of this address and minutes of instruction (see chapter 52, *ante*) on the fifth of August, and the next day the draught of the address was read, and sent to the House of Representatives. The House concurred on the seventh, and on the eighth the address and instructions were signed by "fifteen or more" of the Council, "and ordered to be engrossed."

On the ninth, the address and a memorial to the king (chapter 24, *ante*), together with the agent's commission and instructions, having been "fairly engrossed," and "signed by fifteen or more of the members present at the Board, and being sent down to the representatives, were returned from that House signed by the Speaker thereof."

As has been shown in the note to chapter 51, *ante*, Winthrop never proceeded on his agency, and so had no need of his commission and instructions.†

The memorial, this address, and still another address, however, were forwarded later. See chapter 71, *post*, and note.

Chap. 56. This chapter is from archives, vol. 48, p. 343. It is recorded in council records, vol. VII., p. 225.

This committee was appointed by resolves, 1697, chapter 62; *q. v.*, and note.

By resolves, 1698, chapter 56, Rev. John Rogers, chaplain to the committee, was allowed for his service the sum of ten pounds.

The order in Council‡ for the payment of these allowances was passed August 22, 1701.

Chap. 57. This chapter, which is the report of the committee appointed by chapter 36, *ante*, is from archives, vol. 20, p. 61. It is recorded in council records, vol. VII., p. 236.

The letters received are printed in the note to chapter 36, *ante*. Of the draughts of the answers, that in reply to Ashurst has not been found; but the letter in reply to Constantine Phipps was as follows:—

"Sr

The long Intermission of writing to you, and answering yor Letter of the 16th of May. 1700. which arrived during the life of our Governour the Earl of Bellomont, and was transmitted to him, then at New-Yorke, where he continued till the time of his death; our Lt Governor also dying soon after, has partly been occasioned by those providences.

We return you thanks for the good Advice and direction in yours relating to Appeals for England; As also for your good Service in your Agency for this Province, haveing no intention to make a difference in the reward therefor to Sr Henry Ashhurst and your Selfe. The Sum of Five hundred pounds Sterling mentioned in yours to be remitted to Sr Henry is a mistake. True it is that Five hundred pounds of this money was ordered to be paid him here. He demanding a considerable Sum for his disbursments and Expences in our Service; which he reckons amounts to that value and more. your Selfe Saying you had advanced nothing on that Accompt other than for Coachhire, Letters and other necessary Expences.

We have now ordered the payment of one hundred pounds Sterling to you as a further acknowledgem^t of your Service in your Agency, for us, which is remitted to you by his Majties Ship Arundel Captⁿ Josias Crowe Comandr as by the Inclosed bill of Ladeing.—

Desiring that you will further concern yor Selfe in our Service, We have herewith transmitted unto you our Addresses and Applications now made to his Majty to be presented by the first opportunity, and desire you on our behalfe to Solicit the matters therein contained And in case these arrive to you before his Majties Governour for this Province be come from England Please to communicate to him what you shall receive from us, and pray his Advice and assistance therein

We were unwilling to make our Addresses and Memorial to his Maty swel to an overgreat length and therefore have omitted to be so particular therein as may possibly be necessary, thinking it better to hint the same in our Instructions to your selfe viz^t

As to the Ordnance for our Fortifications, it will be needful that some of them be whole Canon, our want being chiefly of Guns of the larger Cize — Col^o Romer his Majty's Engineer informes that he has sent a Memorial to the Secretary of state, and to the Commission^{rs} for Trade what will be necessary for us on that occasion, which you may obtain a sight of.

We have formerly written to the Ministers of state relating to the Boundaries betwixt this his Matys Territory and the French of L'Accadie or Nova Scotia and to the Fishery on those Coasts. We desire, in case the War be not opened, that you would solicit the adjusting and settling of that affair, which will very much conduce to our quiet wth the Indians; as also to the encouragem^t of our Fishery, which is the chief Staple of this Country and do's considerably advance his Matys Customs, the proceeds thereof being remitted for England.

As to the Bill said to be lying before y^e house of Lords for the dissolving of Charter Governments in the Plantations We intreat you to be very watchful in that matter, and

* Executive Records of the Council, vol. 3, p. 233.

† "Just as he [Winthrop] was about to embark, news came that Mr. Dudley was appointed governor and Thomas Povey lieutenant-governor. The reason of Mr. Winthrop's appointment to the agency immediately appeared. The vote for his instructions was reconsidered and his voyage laid aside." — *Hutchinson's Hist. of Mass.*, ed. 1767, vol. 2, p. 130.

‡ Executive Records of the Council, vol. 3, p. 239.

use utmost diligence and applications by all convenient means to prevent our being comprehended in or concluded by the same to the depriving us of our rights and privileges. and, in case the Bill be likely to be forwarded, that you address the Parliament on our behalf.

Our circumstances are different from those of other Plantations under Charter Governments, Our first settlement being wholly at our own cost and charges. And by our present settlement we are already reduced to a more immediate dependance on the Crown his Ma^y having reserved to himselfe the nomination of our Governour Lieut Governour & Secretary, and a negative on our Laws. So many of our former privileges being lost we hope at least those that remain will be continued to us.

We shall be careful to make you all due acknowledgements for your service, and are

Sr

Your affectionate humble Servants

Boston Oct^r 18th 1701
Mr Phipps.

Postscript

Sr I am ordered by the Council to acquaint you That the General Assembly meeting but on ye 15th curr^t and the Ships for England being then just upon Sayling Mr Usher who comes with them present^d a Petition relating to his accompts as Treasurer of this Territory in the time of Sr Edmond Andros's Governm^t and y^t the Court haveing so short a time to prepare their dispatches by these ships had not opportunity to consider of y^e sd^d Petcon

The original of y^e before written Letter transmitted was signed by

| | | |
|----------------------------|---------------------------|-------------------------|
| NATH ^L THOMAS | JOHN FOSTER. | WAIT WINTHROP |
| DANIEL PEIRCE | PETER SERGEANT | JA: RUSSELL |
| EM ^M HUTCHINSON | NATH ^L BYFIELD | ELISHA COOKE |
| PENN TOWNSEND | JOHN WALLEY | ELISHA HUTCHINSON |
| SAMUEL PARTRIDGE | JOSEPH LYNDE. | SAM ^L SEWALL |

ISA ADDINGTON

& In the name and by the order of the House of Representatives

NEHEMIAH JEWETT Speaker." — *Mass.*

Archives, vol. 51, p. 133.

Chap. 58. This chapter is from archives, vol. 20, p. 65. It is recorded in council records, vol. VII., p. 236.

On the day this resolve was passed, Elisha Cooke and Samuel Sewall, of the Council, were sent with a message to the House to propose the consideration of a further supply, for the support of the agency; but no act for that purpose was passet^d until the next year,* although such of the bills, ordered to be emitted by resolve, chapter 95, *post*, as were not to be applied to the specific purposes named in that chapter, were to be used to defray the province debts, etc., among which were included the expenses of the agency.

Chap. 59. This chapter is from archives, vol. 58, p. 229. It is recorded in council records, vol. VII., p. 237.

On the twenty-second of August an executive warrant^t was ordered for paying, to the committee charged with the duty of fitting up a house for the use of the president of Harvard College, the second and last instalment of the one hundred and fifty pounds appropriated for that purpose by resolves, 1700-1, chapter 88, as shown in the note to that chapter.

It has also been shown that, at that time,[†] provision had been made for the management of the college by a vice president, in conjunction with the fellows, in case of Mather's "refusal, absence, sickness, or death," and that, on the thirtieth of June, Mather had returned to Boston and formally communicated to the Legislature his intention to surrender his trust, and had requested them, "as soon as may be," to "think of another Præsident for the Colledge."[‡]

The Lieutenant-Governor, stricken with a malady which proved fatal eight days later, had retired, in great pain, to his home in Dorchester with the hope of recuperating sufficiently to attend the approaching commencement,^{||} at his beloved Harvard, on account of which the Legislature had been adjourned to Friday, the fourth of July. On that day the General Court was again adjourned to the thirtieth, from which date it continued in session until the ninth of August. On Friday, the first of August, the following order was passed:—

"Aug. 1, 1701. Ordered That Jonathan Corwin Esq^r with such as shall be Named by the Representatives do Signify to Mr Increase Mather President of the Colledge, That the Court desired to Speak with him at three a Clock *post Meridiem*, relating to the Affair of the Colledge

Post Meridiem

Mr Mather attended According to Appointm^t; and Mr Speaker, and the Representatives being desired to Come up to the Council Chamber, The said Mr Mather Acquainted the Court, that he was now removed from Cambridge to Boston, And that as the Colledge remained unsettled, he did not think fitt to Continue his residence there, And look't at it as a hardship to expect his removing his Family thither, but if the Court thought fit to

* Province Laws, 1702, chapter 4.

† Executive Records of the Council, vol. 3, p. 239.

‡ Resolves, 1700-1, chapter 81.

§ Mass. Archives, vol. 58, p. 226.

|| He was dissuaded from this by Sewall, Mr. Nelson, and the Secretary, who called upon him for^a that purpose on Tuesday, the day before the commencement. After the commencement dinner, Sewall presented a grace-cup from Stoughton, "*pro more Academicarum in Anglia*," which he had filled "and drunk to the president." — *Sewall's Diary, vol. II., p. 38.*

desire he should continue his Care of the Colledge as formerly, he would so do." — *Council Records*, vol. VII., p. 229.

The subsequent proceedings on that day relating to the college are thus recorded:—

"In the House of Representatives Augst 1^{mo} 1701.

Whereas—The Revnd Mr Increase Mather hath Acquainted this Court, That he can with no Conveniency any longer Reside at Cambridge and Take the Care of the Colledge there.

Resolved—That a Message be Sent to the Revnd Mr Samuel Willard to Desire Him to accept the Care and Charge of s^d Colledge, and to Reside at Cambridge in order thereunto agreeable to the Order of this Court in March last

And That Cap^t Andrew Belcher and Mr John White accompany Such Person or Persons as the Board may App^t to Deliver s^d Message.

Sent up for Concurrence

NEHEMIAH JEWETT. Speaker.

In Council. Aug^t *pro* 1701.

Pas't a Concurrence and Samuel Sewall and John Walley Esq^r appointed to joyn with the Gent^l above named in delivering the Message above written.—

Is^t ADDINGTON Sec^{ry}." — *Mass.*

Archives, vol. 58, p. 227.

On Saturday, the second, Sewall and Walley, the messengers appointed by the Council in the above resolve, reported* to the Board "That they with the Gentlemen Named by the House of Representatives had waited upon Mr Samuel Willard, and Delivered the Courts Message to desire him to Accept the Care and charge of the Colledge, and to reside at Cambridge, and that his Reply was, that he would Consider there of and Advise with his Church, and give his Answer."

On Tuesday, the fifth, Willard's church having been called together to consider the subject of their pastor's compliance with the request of the Legislature, the Council appointed Elisha Cooke, Penn Townsend and Secretary Addington to join with such as the House should appoint, "on a Message† from this Court unto Mr Willards Church (being to Meet this Day) to Desire their Consent yt the said Mr Willard might go, and reside at Cambridge, to take the Care of the Colledge there."

On the sixth, Samuel Sewall, who was a member of Mr. Willard's church, reported their answer‡ to this message; "viz^t, That they could not Consent to part with him."

On Friday, the eighth, the committee appointed as above to urge Mr. Willard's church to consent to his removal to Cambridge "to take Care of the Colledge"§ were instructed to renew their application; but the church being still unwilling to lose their pastor, the resolve which constitutes this chapter was passed on the following day, it being the last day of the session.

Chap. 60. This chapter is from archives, vol. 70, p. 534.

For the appointment of this committee, see resolves, 1700-1, chapter 85, and see, also, chapters 30, *ante*, and 95, *post*, and notes.

The order which constitutes this chapter was based upon the following petition:—

"To y^e Hon^{ble} y^e Great & Gen^l Court or Assembly of his Maj^{ty}s province of y^e Massachusetts Bay in New-England now sitting in Boston.

The petition of Timothy Clark & Tho. Brattle.

Humbly sheweth.

That whereas your petition^{rs} were appointed by y^e Great & Gen^l Court of s^d province to be a Committee for y^e ordering & directing y^e reparation & new making of Fortifications on Castle Island, & to manage y^e laying out of y^e mony granted to that use; for which their service they were to have due satisfaction out of y^e province Treasury, & Whereas y^{or} petition^{rs} have now diligently attended s^d Work for y^e Space of near four months last past devoting their whole time thereunto, & have faithfully discharg^d y^e trust reposed in them to y^e utmost of their abilities notwithstanding y^e great hardships & discouragem^{ts} they have met withall therein, & are still engaged in said service.

Your petition^{rs} do therefore humbly pray y^{or} hon^{rs} will be pleased to let them know what they shall have for y^e Service they have already don; which they hope will be proportionable to y^e great importance & difficulty of such their said service;

& y^{or} petition^{rs} shall ever pray &c

THO. BRATTLE.

Boston 9th Aug^o 1701./

TIM^o CLARKE." — *Mass.*

Archives, vol. 70, p. 534.

This petition was read, in the House, on the ninth of August, and sent up for concurrence. The action of the Council thereupon is detailed in the foot-note on p. 309, *ante*. Römer had prepared a petition, dated the eighth of August, which he seems to have presented to the Council, and this, with still another petition, from Brattle, was considered by the Board, on the ninth. Brattle's petition has not been found, but that of Römer was as follows:—

"To y^e Hon^{ble} y^e Great & Gen^l Court of his Maj^{ty}s province of y^e Massachusetts Bay in New Eng^ld, now Assembled in Boston.

The humble Address of Coll^l Wolfgang W^m Romer, his Maj^{ty}s chief Engineer for y^e Continent of America, brieflv sheweth.

That I had y^e hon^r to lay before y^e Hon^{ble} Councill y^e 23th of y^e last month a Memoriall, concerning y^e Fortifications on Castle Island in which I gave their Hon^{rs} a true representation of y^e state & condition of s^d Fortifications; in answer to w^{ch} they were pleased by word of mouth to assure me, that whatever I therein demanded should be

* Council Records, vol. VII., p. 231.

† *Ibid.*, p. 232.

‡ *Ibid.*, p. 233.

§ *Ibid.*, p. 236.

granted & comply'd with. But I must crave leave to tell you, that since that time I have found very little alteration for y^e better, (Save that I have 18 or 20 labourers more than were there before, of 50 w^{ch} I desired.) but in many things for y^e worse. For, I plainly perceive that by y^e conduct of Coll^l Hutchinson w^o is Capt^m of s^d Castle, his taking upon him to do those things w^{ch} do not belong to him, & w^{ch} are wholly needless, & his setting himself in opposition to what I order from time to time, & countenancing y^e souldiers & others in their disobedience to my commands; both my Self & y^e Gent^l of y^e Committee appointed for that service, have lost all that respect & Submission from y^e Workmen & Labourers, w^{ch} is necessary to y^e Advancement & progress of y^e s^d Fortifications. And I am of the Opinion, that Work will Suffer very considerably, unless it be managed according to reason, & I may have full power to command all those w^o are employed in that work. Nor do I expect that Coll^l Hutchinson as Capt^m of s^d Castle, should have y^e least power to contradict me in my business there, as I do not pretend to have any thing to do with those w^o are under his immediate Command.

Wherefore, I judg it highly necessary that yo^r Hon^{rs} do take some speedy & effectual care hereabout, & that a Committee may be chosen from among yo^r selves to enquire into y^e bottom of these Complaints, & to make a true report thereof in writing. Otherwise I shall not continue any longer on s^d Work, nor answer for it; but be obliged after I have publicly acquitted my self of all y^e damage w^{ch} may happen thereunto, to take my leave thereof. For I am unwilling to submit my self to y^e directions of raw & unexperienced people, w^o many of them pretend to be my friends, but hate me in their hearts, as I have found by grievous experience during my Slaving & toyling in s^d Work.

I therefore most humbly pray yo^r Hon^{rs} to take w^t I have here said into yo^r Serious consideration, & to give all good & reasonable Orders in this matter, which I shall readily comply with to y^e utmost of my power, & am wth all due respects

Your Honn^{rs} Most humble Servent

Boston y^e 8. of August. 1701
p. 533.

W: W RÖMER." — *Ibid.*,

The action of the Council upon these petitions is thus recorded: —

"Aug. 9, 1701. A Petition of Coll^o Romer his Majesties Engineer, and of Mr Thomas Brattle of the Committee for the Care, and Over sight of the Fortifications making on Castle Island, Complaining of some Obstruction in Managing of the said Affair was read, and themselves, and the Captain of the Castle were heard thereon.

And Agreed That the Council do Visit the Castle on Munday next." — *Council Records*, vol. VII., p. 237.

The following is Sewall's memorandum of the Council's visit to the Castle: —

"Aug^t 11. [1701.] Go down to the Castle to try to compose the differences between the Capt. and Col. Romer: Order that the Line next the Chañel be presently finished with the Brick-Work. I told the young men that if any intemperat Language proceeded from Col. Romer, twas not intended to countenance that, or encourage their imitation: but observe his direction in things wherein he was Skillful and ordered to govern the work: or to that effect. Lest should be thought the Council had too much wink'd at his cursing and swearing, which was complained of." — *Diary*, vol. II., p. 40.

The differences between the engineer and the committee still continuing, the Council, on the twenty-fifth of September, appointed a committee of the Board to visit the Island and settle the contentions. The following is the record of this action: —

"Sept. 25, 1701. A Memorial being presented by Colo^o Romer referring to the Fortifications now in making on Castle Island; the same was read at the Board; and James Russell, Elisha Cooke, Samnel Sewall, John Walley, Eliakim Hutchinson, Penn Townsend and Nathan! Byfield Esq^{rs} and the Secretary were nominated and desired to visit the Castle to morrow, to confer wth Colo^o Romer and the Committee, and to give directions as to the matters contained in the s^d memorial." — *Executive Records of the Council*, vol. 3, p. 252.

Chap. 61. This chapter is from archives, vol. 11, p. 164. It is recorded in council records, vol. VII., p. 237.

This resolve originated in the House, on a motion for a fast, naming the day. The proclamation was drawn up on the twenty-third of August and signed by all the members of the Council then "present at the Board."

Chap. 62. This chapter is from archives, vol. 70, p. 537. It is recorded in council records, vol. VII., p. 239.

The following order in Council was passed to carry into effect the provisions of this chapter: —

"Sept. 4, 1701. An Alteration being made by the General Assembly in their Resolve passed at their Session begun the 28th of May last, wherein is granted one hundred pounds towards repairing the Fort at Salem, abating that clause in the Proviso thereof (that the said Town take care for the future to keep it in repair).

Ordered, That a new Order be made out to the Field Officers of the Regiment there, impovring & directing them to take effectual care, that the s^d Fort be repaired and set in good order necessary for defence, after the best manner that may be with the s^d sum granted by the General-Assembly, and the further sum to be expended by s^d Town of Salem according to the Proviso in the Resolve aforesaid.

And a new order being accordingly drawn up, was signed by fourteen of the Members of Council present at the Board." — *Executive Records of the Council*, vol. 3, p. 242.

Chap. 63. This chapter is from council records, vol. VII., p. 240. It is preserved in archives, vol. 70, p. 539.

The petition upon which this chapter was based is as follows:—

“The Humble Petition of Elizabeth Riley formerly Walinford, to the Honored Council & Representatives Asembled at Boston July 30th 1701

Humble sheweth that my son Nicolas Wallinford served his Majestie five Weeks, one week vnder, Leiv^t Francis Perkins, & about one moneth vnder Capt James fry of Andover, about three yeares past, & I have not Received the wages due to mee for s^d service: I desired Capt fry to take vp the money for my vse, but hee deferred Demanding of it, vntill the Comission^{rs} of War who were at y^e time Employed: their time was expired, that Capt fry could not get a Debenture for mee: these are therefore humbly to Crave, that the Comission^{rs} of War may bee Comissionated to Grant s^d money, when Capt fry doth make it appeare what time my son served his Majestie & yo^r Petition^r shall ever pray.

Dated in Rowley July 26th 1701

ELIZABETH ^{her}E RILEY.” — *Mass.*
mark

Archives, vol. 70, p. 539.

The following certificates were filed at the same time:—

“This may inform whome it doth concern that niccolas wallenford was impressed for his maiestys Seruice the 13th of June 1698 and Serued with his own Armes

as Atests

JOHN DRESSER leuit.” — *Ibid.*, p. 541.

“Andiuer october 17th 1699

This may sarty fi hom it may consarn that Nickless Wolinford haue sarued his magesti under my command from the 20 of Jun to y^e 13 of July 98

JAMES FRY Capt.” — *Ibid.*, p. 542.

On the thirtieth of July this petition was read in the House. Nothing further was done upon it until after the recess. On the fourth of September the resolve which constitutes this chapter was passed by both branches, in concurrence, and signed by fourteen members of the Council.

The order in Council* for the payment of this allowance was passed September 25, 1701.

Chap. 65. This chapter is from council records, vol. VII., p. 240. It has not been found in the archives.

Chap. 66. This chapter is from council records, vol. VII., p. 241. It is preserved in archives, vol. 119, p. 172.

At the second session of the General Court for 1699-1700, the following petition was presented:—

“To his Ex^{ty} Richard Earle of Bellomont Capt General & Governour in chief in & over his Mat^{ys} Province of the Massachusetts Bay in New England, and to the hon^{ble} Council and Representatives of the s^d Province in General Court assembled March 1699/1700

The Petition of Samuel Wakefield of Salem & John Wilson of Ipswich

Humbly sheweth

That in the year 1698. your petr^{rs} in considerac^{on} of a valueable su^m of money by them to be paid, hired & fermed the Excise that in the s^d year should, by virtue of an Act of the General Assembly then made & passed, arise & grow due for all wines Brandy rhum and other distilled Liquors Beer, ale, perry and Cyder sold by retail in any Town or place within the Countys of Plymouth, Bristol & Dukes County. And that your Petr^{rs} having hired & fermed the s^d Excise as afores^d have made several Journeys to Bristol in the County of Bristol afores^d to collect & receive the Excise growing due and arising in the s^d Town, but the Innholders and retailers there wholly refused to pay their s^d Excise or any part thereof. Whereupon yo^r Petitioners making application to his Mat^{ys} Justices of the peace in s^d County for a Warrant to make search in their Cellars & to seize all Liquors & strong drink not entred, as the Law directs, your Petr^{rs} were denied such Warrant by reason whereof yo^r Petr^{rs} are deprived of a very considerable part of the Excise by them hired & fermed as afores^d and are left without remedy for the recovering thereof, which with the great charges your Petitioners have been at in making several Journeys to Bristol afores^d hath been to your Petitioners very great loss and damage, And besides the s^d damage in being deprived of the s^d Excise have in their Journeys to s^d Bristol suffered very great abuses, and once had their horses ears cut off, and in that same Journey were damnified more than Twenty pounds apiece, neither dare your Petr^{rs} venture themselves again there (the people of that place being so maliciously & vehemently set against all Officers of the Excise) without a considerable strength with them, for their safety and defence

Your Petitioners therefore humbly pray Your Excelley and this hon^{ble} Court to take the premisses into Consideration, and to make such provision as may effectually enable your Petitioners to recover all such su^m & su^{ms} of money which are due unto them for Excise in the County of Bristol afores^d the collecting whereof your Petr^{rs} have been obstructed & hindred in as afores^d Or to make yo^r Petr^{rs} such Allowances or Abatem^{ts} for the same as to yo^r Ex^{ty} and honours shall seem just & reasonable.

And your Petr^{rs} as in duty bound shall ever pray &c

SAMLL: WAKFIELD
JOHN WILSON.” — *Mass.*

Archives, vol. 119, p. 169.

The petitioners filed with their petition the following account of losses and expenses:—

“An Account of what Charges Sam^l Wakefeild hath been putt to, in the Countreys service, in collecting the Excise, and defending an abuse put upon him by the cutting of his horses Ears in y^e Execuc^{on} of his duty in the yeare 1698 in tenerton in the County of Bestoll

* Executive Records of the Council, vol. 3, p. 250.

| | | | |
|---|----|----|----|
| To 10 dayes loss of time for want of horses & for Expences in yt time | 3 | 0 | 0 |
| Pd charges and Attorneys Fees at Bristol Court | 1 | 6 | 0 |
| To 3 Journeys to Bristol Court, 2 of them in y ^e Winter from : salem | 9 | 0 | 0 |
| To 3 Courts at Boston abt Suit &c w th Attorneys fees & charges | 7 | 0 | 0 |
| To going once to Ipswich Court | 0 | 12 | 0 |
| To mony p ^d Dan ^l Howland in Boston for Court charges | 7 | 8 | 10 |
| To putting in a Petition at march Court and attending a fortnight | 1 | 10 | 0 |
| To a Petition this sessions & charges | 1 | 10 | 0 |
| | 30 | 6 | 10 |
| Value of y ^e horse | 6 | 0 | 0 |

a List of the Inholders & Retailers That did not pay their Excize in the year 1698

| | | | |
|-------------------------|------------|--|----------------------------------|
| Isaac Howland | } Plymouth | John Sisson | } Bristol County |
| Addam Wright | | Jn ^o Spooner | |
| Geo: Bonam | | Mr woodcock | |
| Benony Ewen | | John Lane | |
| Rob ^t Ransom | | Jn ^o Osbon | |
| | | Jabez Howland | |
| | | M ^{rs} Mary How | |
| | | James Cole | |
| | | Mr Billings. | |
| 40 | | M ^{rs} Stone. in arrear | £.4 ^u ; |
| 8. 10 | | Mr Child in arrear | 3 ^u |
| | | Nathaniel Toogood | 1 ^u : 10 ^s |
| 31: 10 —* | | | £8. 10." |

— *Ibid.*, p. 129.

Until the next year no trace of legislative action on the subject of this petition has been discovered. In the first session of the next Assembly another petition was presented, as follows:—

“To his Excy Richard Earle of Bellomont Captⁿ Generall and Govern^r in chiefe in and over his Majt^{ies} Province of the Massachusetts Bay, and Representativ^s of s^d Province in Generall Court Assembled 5th June 1700

The Petition of Samuel Wakefeild of Salem, and John Wilson of Ipswich
Humbly shew

That in the year 1698 your Pet^{rs} in consideracō of a valuable sume of mony by them agreed to be paid farmed the Excize that should grow due in that yeare by virtue of an act of the Generall Assembly then made and passed, for all wines Brandy Rhum, and other distilled Liquors Beer Ale Perry and Cyder y^t in the s^d year should be sold by Retaile in any Towne or place within the County of Plymouth, Bristoll and Dukes County That your Pet^{rs} have made several journeys to Bristoll to collect the s^d Excize, but the Inholders wholly refused to pay y^e same And tho your Pet^{rs} applyed to the Justices of y^e peace for a warrant to search the Cellars and to seize all the Liquors & strong drinck not entered as the Law directs, they were denyed such warrant. That your Pet^{rs} in going to Bristoll in Bristoll County in the Execucōn of their office rec^d great abuses having their horses Ears crop'd off, haue expended abt 45 ^u in Law Suits vpon account thereof; besid's the loss of their horses, That there is 40 pounds due from yo^r Pet^{rs} to the Countrey, and almost the like sume due to yo^r Pet^{rs} for Excize So that your Pet^{rs} are without Remedy to collect or receive the same vnles this hon^{ble} Court will grant Reliefe in y^e premisses

Yo^r Pet^{rs} therefore most humbly intreat your Excy and this hon^{ble} Court to take the premisses into consideracō and to remitt the 40 due to to^t the Countrey, or provide a way for y^e Recovery of it; and allow to yo^r Pet^{rs} such Costs & Damages as to yo^r hon^{rs} shall seem meet

And yo^r Pet^{rs} as in duty bound shall pray &c^a/ SAM^L WAKEFIELD
JN^o WILSON." — *Ibid.*,

p. 171.

Upon this petition the Council, on the twenty-eighth of June, 1700, passed a resolve granting the same allowance as is made in this chapter; but the resolve failed to receive the concurrence of the House, and on the twenty-ninth, it was “read and referred to the next session for further consideration.”

The petition was again read in the House on the fourth of September, this year, and the present chapter passed thereon, which was concurred in and signed by fifteen councillors on the next day.

The order in Council[†] for the payment of this allowance was passed September 25, 1701. See chapter 78, and note, *post*.

Chap. 67. This chapter is from archives, vol. 48, p 345. It is recorded in council records, vol. VII., p. 242.

The following entry in the council records is the first mention that has been found of the expected arrival of Governor Dudley:—

“Sept. 3, 1701. . . . the Arrival of his Majestys Ship the Gospert from England, by which there was an Account of his Majesties Appointment of Col^o Dudley to be our Governour, and that he might be expected in a Short time, And that Eliakim Hutchinson Esq^r

* This memorandum appears in the margin.
† *Sic.*
‡ Executive Records of the Council, vol. 3, p. 251.

had the like Intelligence in a Letter by him rec^d from a principal Mercht in London an Abstract of so much whereof as Concerned that Matter should be laid before them. . . ." — *Ibid.*, p. 238.

Two days later the following entry was made: —

"Sept. 5, 1701. The Secretary was Sent to the House of Representatives to move to Know what Directions they would please to give for the reception of the Kings Governour expected shortly to Arrive within this Province." — *Ibid.*, p. 241.

On the following day the order which constitutes this chapter was passed.

Dudley did not arrive in Boston until the eleventh of June, 1702. The Centurion, which brought him, touched at Marblehead the day before, whence a letter announcing his arrival was despatched to Secretary Addington. The ship then sailed for Boston. He was met just outside Point Alderton by a deputation from the Council, in whose behalf Sewall delivered a congratulatory address. The committee accompanied him to Scarlet's wharf, where he landed in the presence of the Council and the Boston regiment. Thence he was escorted, by the "Troop of Guards, and Col. Paige's Troop," in procession. Sewall, from whom these particulars are derived, thus continues: —

"June, 1, 1702 . . . March'd to the Townhouse. There before the Court; Ministers, and as many else as could crowd in, the Governour's and Lt Govrs Comissions were published; they took their Oaths laying their hands on the Bible, and after Kissing it. Had a large Treat. Just about dark Troops Guarded the Gov^r to Roxbury. He rode in Major Hobby's Coach Drawn with six Horses richly harnessed. By mistake, my coachman stayed in the yard, and so Joseph and I went alone. Foot gave 3 very good Volleys after the publication of the Comissions, and were dismiss'd. Mr. Mather crav'd a Blessing and Mr. Cotton Mather Return'd Thanks." — *Diary*, vol. II., p. 59.

Chap. 68. This chapter is from archives, vol. 11, p. 163. It is recorded in council records, vol. VII., p. 242.

This resolve was based upon the following petition: —

"July 28th 1701.

To his Majesties most Honourable Council & Representatives in the Great & General Court now assembled at Boston by adjournmt

The Petition of the select men of Dunstable, in behalfe of the few Inhabitants there settled, humbly sheweth

That whereas the wise God (who setteth the bounds of all our Habitations) hath disposed Ours, but an Handfull of his People, not exceeding the number of Twenty five families, in an Out-side Plantation of this Wilderness, which was much depopulated in the late Wars & two Third Parts of them though living upon Husbandry, yet being but new Beginners & their Crops of grain much failing of wonted increase, are in such low circumstances, as to be necessitated, to buy their bread-corn out of Town for the Supply of their own families, whence it comes to pass, that they are capable of doing very little or nothing towards the maintenance of a minister here settled, And our Non-Resident Proprietors, being far dispersed asunder, some in England & some in several remote Parts of this Country & making no Improuement of their Interests here, most of them for divers years past, haue afforded nothing of Assistance to us in so Pious a work, there having also in some years past been some Considerable Allowances for our Help herein out of the publick Treasury (for which we return our Thankfull Acknowledgments) the Continuance whereof was never more needfull then at this time,

These things being duely consider'd, We think it requisite hereby to Apply our Selues to your Honours, humbly to Request the Grant of such an Annual Pension out of the Country Treasury for the support of the ministry in this Place, as to your Selues may seem most needfull, untill our better Circumstances may render the same needless,

Moreover having been lately informed by a Representative of a neighbouring Town, that Dunstables Proportion in the Country Rate newly emitted was six pounds, arising from the multiplication of Twenty Shillings six times, but finding by the Printed Paper lately come to us, that We, the smallest Town in the Province, are Assessed nine pounds, three pounds beyond Stow, which we deem in respect of the number of its Inhabitants may exceed us at least a 3^d Part,

We humbly hereupon desire that the Original Assessments may be revised, & if there be any mistake found in the Proportion assigned to us (as we judge there may be) that it may be rectified.

And We shall Remain

Yovr Honours humble Servants

ever to pray for You

JOSEPH FFAREWELL

ROBERT PARRIS

WM TYNG." — *Mass.*

Archives, vol. 11, p. 163.

This petition was read, first, in the House, and the resolve which constitutes this chapter passed thereon on the fifth of September. On the following day it was concurred in by the Council and signed by fourteen councillors.

The order in Council* for the payment of this allowance was passed June 19, 1702, and, by the province treasurer's accounts,† it appears that the amount thereof was paid to Lieutenant-Colonel Jonathan Tyng in behalf of the town of Dunstable.

Chap. 69. * This chapter is from archives, vol. 58, p. 231. It is recorded in council records, vol. VII., p. 242.

The proceedings, down to the last adjournment of the General Court, relative to the appointment of a proper person to take the principal charge of Harvard College have been narrated in the note to chapter 59, *ante*.

* Executive Records of the Council, vol. 3, p. 329.

† *Mass. Archives*, vol. 122, p. 167.

Upon the reassembling of the Court, in September, the House sent to the Council a resolve,* again requesting Mather "to take the Care of and reside at the Colledge," which "being read at the Board, Elisha Cooke, and Penn Townsend Esq^{rs} were Nominated, and Appointed to go (with Such as the Representatives should think fit to Accompany them) unto Mr Samuel Willard, to whom this Court had made Application to Attend that Service, And to Speak with him, and receive his Answer thereabout

Elisha Cooke Esq^r Acquainted the Board That himself, and the Other Gentⁿ had Spoken with Mr Willard, who declared his readiness to do the best Service he Could for the Colledge, and that he would Visit it once or twice every Week, and Continue there a Night or two, And performe the Service used to be done by former Presidents."

On the next day, the resolve of the House for inviting Mather "was again read, and, upon the question put for a concurrence, it was carried in the negative," and thereupon the resolve which constitutes this chapter was passed, and sent to the House, for concurrence, and being returned on the same day with a vote of concurrence, it was signed by fourteen members of the Council. Willard having accepted the position thus offered him commenced to draw his salary, from the sixth of September.†

Thus was Mather superseded, evidently much to his surprise and mortification. The threat to resign which had so often availed him was no longer effectual to prevent the appointment of a successor. Both he and his son resented the action of the Council in taking him at his word, and both were intemperate in their condemnation of the majority of the Board, and especially severe toward Sewall, upon whom they had relied to prevent a decision which would preclude the father from further temporizing.

The language of Sewall which gave most offence was his expression of the opinion that "If Mr. Mather should goe to Cambridge again to reside there with a Resolution not to read the Scriptures, and expound in the Hall: I fear the example of it will do more hurt than his going thither will doe good."‡

As Mather seems not to have repudiated such a resolution, the inference is unavoidable that either Mather had given cause for the suspicion that, if forced to reside in Cambridge, he should omit the exercises above named, or that he had already done so during his recent reluctant stay there.

A doubt having been started as to the extent of the authority conferred upon Willard and his associates in the government of the college in regard to the conferring of degrees, it was settled as shown in the following entry:—

"April 28, 1702. A Question being moved upon the construction and intendment of the Order of the General Assembly for a temporary establishment of the oversight & government of the Colledge and Students there, whether it do contain a sufficient power to Mr Samuel Willard nominated to be vice President, with the other Gentⁿ therein named, to carry on the work of the approaching commencement and to confer Degrees upon the Commencers as has been accustomed.

Resolved. That they are sufficiently impowred thereto by sd Order, and that they be desired to proceed in the said work accordingly. And that Elisha Cooke and Samuel Sewall Esq^{rs} be desired to acquaint Mr Willard therewith."—*Executive Records of the Council*, vol. 3, p. 302.

Chap. 70. This chapter is from archives, vol. 20, p. 72. It is recorded in council records, vol. VII., p. 247.

The deadlock existing at the close of the former session, between the House and the Council, on the question of forwarding the address and memorial to the king has been described in the note to chapter 51, *ante*. On the second day of the present session the resolve, which had passed the House and been rejected by the Council at the former session, was introduced in the House without the clause requiring a letter from the Council, and passed and sent up for concurrence. On the next day, in the form in which it appears in this chapter, it was passed by the Council, in concurrence, and signed by fifteen councillors.

It would seem that the certainty of Dudley's appointment had produced a change in the minds of councillors as well as of representatives. That Ashurst was Dudley's avowed opponent was notorious, and it was clearly impolitic to encourage the open enemies of the new Governor. Again, among the eleven councillors who were living, and qualified, and who did not sign the resolve, there were Winthrop, Hathorne, Phillips, Foster, Sergeant, Higginson and Walley, who were known friends of the Mathers, besides others who may reasonably have been suspected of a leaning that way, though not known to be so warmly attached by relationship or other social ties. Ashurst was deeply grieved by the action of the General Court in preferring and rewarding Phipps as agent in this business. Under date of March 25, 1702, he wrote to Increase Mather, "I was so out of humour with my ill usage here and in New-England, for my faithful 12 years service, that I had no heart to write. I see, he that is faithful to his religion and his country must expect his reward above."§

Phipps, however, was as much elated by this token of confidence as his former associate was depressed. He applied himself promptly to the business intrusted to him, and, ten days after the receipt of the papers and his instructions, he wrote the following reply to the Council and House of Representatives:—

"Middle Temple London Decemb: 11: 1701

Hon^{red} Srs

On Monday the first Instant I recēd yo^r kind L^{re} of y^e 18th of October Last together with yo^r Addresses & memoriall inclosed & pursuant to yo^r direccōns I was to wait on Coll Dudley who hath his Mat^{ties} warr^t to be yo^r Governor by w^{ch} I doubt not but one part of

* September 5, 1701. Council Records, vol. VII., p. 241.

† See resolves, 1702, chapter 72.

‡ Sewall's Diary, vol. II., p. 44.

§ Hutchinson's Hist. of Mass., ed. 1767, vol. 2, p. 123, note.

yo^r Adresse is answered, Coll Dudley being in the Countrey and yo^r L^re directing me to deliver yo^r Addresses y^e first opportunity I waited on his mat^e at Hampton Court on Sunday following being introduced by y^e Earl of Pembroke y^e L^d Presid^t of y^e Council & delivered yo^r Addresses & memoriall w^{ch} his mat^e rec^d wth an extraordinary satisfacc^{on} & delivered to y^e Secretary of State from whom I will take care they shall be transmitted to y^e Committee of Trade & hope by the Assistance of Coll Dudley who hath deservedly a very great interest at Court to obtain those things you desire I think it y^e duty of e^{vy} one to discharge y^e trust reposed in him to y^e vtmost of his power but take my self to ly vnder a more then ordinary obligac^{on} to do you all y^e service imaginable since you have thought fit to give fresh instances of y^o Confidence in me by renewing y^o Comission of Agency w^{ch} I will endeavor to discharge in such manner as may be most for yo^r service and that I may be the better enabled to do it I have waited on Coll Dudley since his coming to Town & communicated yo^r Addresses & memoriall to him who intirely concurs wth you in e^{vy} thing w^{ch} you desire & hath been so kind to promise me his Assistance in every respect.

I rec^d y^e Bill you were pleased to send me for y^e pieces of 8. but not having an opportunity to see Capt Crow I have not yet rec^d y^e money But return you my thanks for it

I have inclosed y^e Gazett w^{ch} takes notice of my delivering y^e Addresses and begg you would be assured that I shall vpon all occasions endeavour to acknowledge the obligac^{on} you have been pleased to lay vpon

y^o most obedient humble serv^t

CON PHIPPS." — *Mass.*

Archives, vol. 51, p. 137.

This letter is endorsed, "Rec^d P^r Whitehorne. — .pro^o May 1702./."

Chap. 71. This chapter is from archives, vol. 20, p. 76. The resolve is recorded in council records, vol. VII., p. 248.

On the sixteenth of October, the representatives sent a message* to the Board, by Captain Thomas Oliver, representative from Cambridge, and Captain John Burrill, representative from Lynn, "That the house desired to have the Pernsal of the Courts Address, and Memorial to his Majesty, and the Instructions for the Agent, Which were Agreed upon at their Sitting in August past." These papers were accordingly sent down to the House.

This was followed by a message† from the House to the Council, on the seventeenth, conveyed by Major James Converse, the representative from Woburn, and Captain Thomas Oliver, the representative from Cambridge, proposing "That in the Address to his Majesty it might be inserted, That the Court had Appointed an Agent to Attend his Majesty referring to the Affairs of this Province, but Intelligence Arriving, before his Dispatch, that his Majesty had Appointed a Governour over the Same, And that he might be Speedily expected here, they had deferred his Setting forward, that so they might have the Advantage of the Governours Advices and Directions in the further humble Representations, and Supplications Necessary to be made to his Maj^{ty}, And Also Desiring, That in the said Address Notice might be taken of the Bill lying before the House of Lords for the Vacating of Charter Governments." Thereupon "The Council resolved into a Committee to Consider of the Draught of an Address to his Maj^{ty} and of a Letter to Constantine Phipps Esq^r, and agreed upon Minutes for the Same, which the Secretary was directed to Carry down‡ the House of Representatives."

On the eighteenth, the draughts of the address and of the letter to Phipps, having been completed, were read and agreed to, and together with the address "agreed upon the ninth of August§ last, *mutatis mutandis*, being fairly transcribed, were severally signed by fourteen or more of the members of Council present at the Board and by Mr. Speaker in the name and by order of the House of Representatives."

Sewall thus briefly sums up the above proceedings of the Legislature:—

"Wednesday Oct^r 15. Court meets, draw up a new Address; send that and their former with the Memorial to Mr. Constantine Phipps, with 100£ Sterling Money of England, for to recompence his former service." — *Diary, vol. II., p. 43.*

Chap. 72. This chapter is from archives, vol. 11, p. 164. It is recorded in council records, vol. VII., p. 248.

The following entries explain themselves:—

"Oct. 18, 1701. A Message being Sent up from the House of Representatives desiring, That a Day for Public Thanksgiving thro^o ont the province might be Celebrated Some time the next Month and that the Board would Consider of the most Suitable day for that Purpose

It was Accordingly Agreed by the Council That Thursday the 20th of November next be set apart as a Suitable day for that Service." — *Council Records, vol. VII., p. 248.*

"Oct. 22, 1701. The House of Representatives at the late Session of the General Assembly, having made a motion to the Board that a day of General Thanksgiving be appointed to be kept throughout this Province sometime in Nov^r next,

Resolved. That Thursday the twentieth of Nov^r next, be set apart for that service, and that a Proclamation be drawn up and emitted for that purpose.

And, a Proclamation being drawn up accordingly, was signed by fifteen of the Members of Council present at the Board." — *Executive Records of the Council, vol. 3, p. 260.*

"Octob^r 22. 1701. . . . Went to the Council, . . . Haⁿner'd out an Order for a Day of Thanksgiving." — *Sewall's Diary, vol. II., p. 45.*

* Council Records, vol. VII., p. 246.

† *Ibid.*, p. 247.

‡ *Sic.*

§ Chapter 55, *supra*.

Chap. 73. This chapter is from archives, vol. 101, p. 219. It is recorded in council records, vol. VII., p. 219. See resolves, 1699-1700, chapter 21, and note, and 1700-1, chapters 49 and 57, and notes.

Chap. 74. This chapter is from archives, vol. 20, p. 74. It is recorded in council records, vol. VII., p. 219.

The order in Council* for the payment of this allowance was passed October 22, 1701, and signed by fifteen members. See quotation from Sewall's Diary, in note to chapter 71, *supra*.

Chap. 75. This chapter is from council records, vol. VII., p. 249. It has not been found in the archives. See chapter 60, *ante*.

The order in Council† for the payment of these allowances was passed October 22, 1701, and signed by fifteen members.

Chap. 76. This chapter is from archives, vol. 70, p. 545. It is recorded in council records, vol. VII., p. 219.

The disagreement between Römer and the committee appointed to manage the expenditure of money granted toward fortifying Castle Island has already been alluded to.‡ In this and in chapter 75, *supra*, the Legislature evidently sought to conciliate both sides by granting thirty pounds, each, to Brattle and Clarke, for their services, and by presenting to Römer and his son, each, a piece of plate.

The order in Council§ for the payment of the amount of these allowances was passed October 22, 1701, and signed by fifteen members.

Chap. 77. This chapter is from archives, vol. 113, p. 306. It is recorded in council records, vol. VII., p. 250.

Chap. 78. This chapter is from council records, vol. VII., p. 250, and archives, vol. 111, p. 70.

The petition upon which this chapter was founded is as follows:—

"To the Hon^{ble} the Council & Representatives of his Ma^{ty's} Province of the Massachusetts Bay in New England. in General Court assembled.

The Petition of Josiah Parker of Cambridge on behalfe of himselfe and the Admin^{rs} of Jacob Amsden late of s^d Cambridge dec^d.

Humbly sheweth

That your Petr & the s^d Jacob Amsden in the year 1698. fermed the Excise in the County of Midd^x of the Commissioners appointed for ferming the same— And afterwards agreed with Henry Cookery of Charlestown Alehouse keeper for the Sum of Three pounds to be by him paid for his Excise for that year. After which, vizt in November following, the General Assembly past a Resolve and order That the s^d Henry Cookery, in respect of sickness being deprived of the use of his Limbs & on other Considerations be abated his Excise upon his draught for the year ensueing and to be allowed unto the Fermer. So that by virtue of the s^d Order did not receive of s^d Cookery the three pounds Agreed to be paid by him for his Excise as afores^d nor any part thereof— notwithstanding which & the order afores^d the Treasurer refuses to make abatem^t unto yo^r Petr of the s^d sum out of the sum which yo^r Petr & s^d Jacob Amsden were to pay for the whole Excise of the s^d County of Midd^x by them fermed as abovementioned—

Your Petr therefore prays That order may be given to the Treasurer to abate unto the Petitr & s^d Jacob Amsdens Adm^{rs} the abovementioned sum of Three pounds out of what is owing from them to the Treasury for the Excise by them fermed as afores^d

And your Petr shall pray &c." — *Mass. Archives, vol. 111, p. 70.*

The abatement to Cookery was by chapter 41 of the resolves of 1698. The foregoing petition was read, first, in the House, on the seventeenth of October, and was concurred in and signed by fourteen members of the Council on the next day.

The order in Council* for the payment of this allowance was passed October 22, 1701, and signed by fifteen members.

Chap. 80. This chapter is from council records, vol. VII., p. 257, and archives, vol. 101, p. 212.

The following is the petition referred to in the preamble to this chapter:—

"To y^e Hon^{ble} his Maj^{ties} Councill and Repr^sentatives in Generall Court Assembled in Boston. 23. febr. 1701:

The humble Petition of Christopher Hall of Atleburrough Is vizt.

That whereas yo^r petitioners ffather Xtoph^r Hall Deced had done service for y^e Province and yo^r petition^r his son and Administrator to his estate haueing obtained a Debenture to y^e value of fifty shillings. and nine pence being for y^e first payment of five pounds one shilling & sixpence as appears in y^e Com^{ittees} Book. And by inevitable providence, vizt by his house being burnt, and all most all that was in it, together wth said Debenture, of which he had received thirty senen shillings of Constable WoodCock but haueing lost his Debenture by s^d fire the Treasur^r will not discharge y^e Constable That yo^r Hono^{rs} would be pleased to order y^e Comitte to grant him a New Debenture, y^t so y^e Treasur^r and Constable may be discharged and he haue remaining part of his money due.

& he shall Euer pray.

Archives, vol. 101, p. 212.

CHRISTOPHER HALL." — *Mass.*

* Executive Records of the Council, vol. 3, p. 262.

† *Ibid.*, p. 261.

‡ Notes to chapters 30 and 60, *ante*.

§ Executive Records of the Council, vol. 3, p. 261.

This petition was read, first, in the House, on the twenty-third of February, and was concurred in and signed by fourteen members of the Council the next day.

The order in Council* for the discharge of Woodecock and the payment of the allowance to Hall was passed February 24, 1701-2.

Chap. 81. This chapter is from archives, vol. 121, p. 108. It is recorded in council records, vol. VII., p. 257.

On the twentieth of February, 1701-2, the General Court sat in convention in the council chamber to hear the differences between several contestants relative to the building and maintaining of the bridge over Taunton Great River. On the twenty-fourth the following order, having been passed by the Council and sent down to the House, for concurrence, was returned with the vote of concurrence thereon and was signed by fourteen members of the Council :—

“Upon a full hearing, and mature Consideration of the Difference betwixt the Towns of Taunton, Dartmouth, Little Compton, Tiverton, and Freetown, Within the County of Bristol referring to the Charge of building the Bridge Newly erected over Taunton great River, A Committee of this Court appointed to enquire of what use, and Benefit the said Bridge is of unto the said Towns, and what Bridges they have in their own Towns and to proportion the Charge of said Bridge to each of the said Towns having reported. ‘That the Aforesaid Bridge will be of very great use, and Benefit to the Public, and in a Special Manner to the Southern Parts, particularly to the Towns of Taunton, Freetown, Tiverton, Little Compton, and the Chiefest part of Dartmouth, and proportioned one half of the Charge of said Bridge to Taunton, and the Other half to be born by Freetown Tiverton, Little Compton, and Dartmouth According to their proportions as they were Assesst to the Province Tax by the General Assembly at their Session in May Anno 1700’

Resolved and Ordered That the Charge of Building the Abovesaid Bridge be defrayed one half thereof by the Town of Taunton, and the other half by the abovementioned Towns of Freetown, Tiverton, Little Compton, and Dartmouth in proportion as abovesaid According to the Committee report.” — *Council Records*, vol. VII., p. 257.

Chap. 83. This chapter is from archives, vol. 70, p. 530. It is recorded in council records, vol. VII., p. 259.

The following is an extract from the report, dated March 6, 1694-5, of Bartholomew Gedney, Elisha Hutchinson and John Phillips, appointed by the Lieutenant-Governor and Council to view the public fortifications in and about the towns of Boston, Charlestown, Salem and Marblehead, and to report what repairs were necessary “for their majesties’ service :” —

“for makeing the fortification Att marblehead serviceable we Judg it nessesary that the Brest worke be made to Run streight In Length sufficient for seaven Guns with a turne next the towne sufficient for three Gns.” — *Mass. Archives*, vol. 70, p. 239.

Whatever was done at Marblehead in accordance with this report was probably done by the Commander-in-chief, in his executive capacity, or by the commissioners for war, since no vote of the Assembly authorizing an expenditure for this purpose has been discovered. The subject of repairing the fortification at Marblehead was again brought to the attention of the Legislature, by the representation to the Privy Council,† of the Lords Commissioners for Trade, January 19, 1700-1, upon the general subject of improving the fortifications of the province, though not specially referring to the fort at Marblehead.

The following petition was the foundation of the present chapter :—

“The Towne of Marblehead humbly supplicates The hon^{ble} Lev^{tt} Govern^r Conneill & Representatives &c. Dewly & Trewly to Consider off, and seasonably to provide for, the mizerable decayed state of Theire Fortifications, and stores of Warr, (Perticular accompt of which hath bin already sent to the Commissary Gen^l) Praying well to Consider the scituation & Accomodation of the Portt for ships & Martt of fishery, (which his Maj^{ty} hath alwise desired to Incouridge), And wee farther pray that noe Ill Representation may prevent the ffortifeing soe Comodious an InLett to the Danger of the province, or to Damnify the Principall Manufactory of itt,

And your Poore Petition^{rs} shall Ever pray &c

Att a Towne Meetteing att Marblehead June 23^d 1701 @ Itt was ordered that the select men signe this Pittition on behalfe of sd^t towne

| | | |
|------------------------------|---|--|
| Select men off Marblehead | { | JOHN BROWNE JOHN STASEY BENJA JAMES RICHARD TREUET GEORGE JACKSON.” — <i>Ibid.</i> , |
|------------------------------|---|--|

p. 530.

This petition was first read in the Council, on the fifth of September, and sent to the representatives. The next day, in the House, “The Qvestion being Put whether any Allowance be made in Answer to the above Petition? It Pass’d in the negative.”‡

In the present session, however, the petition was again read in the House, and the resolve which constitutes this chapter was passed thereon and sent to the Council, for concenrrance, which was voted on the same day, and the resolve was consented to and signed by fifteen members.

The following is the order in Council for the payment of this allowance, which, by the province treasurer’s accounts,§ appears to have been duly paid :—

* Executive Records of the Council, vol. 3, p. 235

† See note to chapter 24, *ante*.

‡ Mass. Archives, vol. 70, p. 530.

§ *Ibid.*, vol. 122, p. 164.

"April 23, 1703. Whereas the Great and General Court or Assembly at their Session begun the Eighteenth day of February 1701 Granted the sum of Forty pounds to be paid out of the publick Treasury, to the Town of Marblehead, towards the repairing of their Fortifications and for stores of War, provided sd Town advance and expend the sum of sixty pounds more for the service aforesaid, so as to make the whole one hundred pounds.

A Certificate being presented, that the said Town have voted to disburse sixty pounds in the service aforesaid.

Advised and Consented. That a Warrant be made out to Mr Treasurer to pay the above mentioned sum of Forty pounds unto Captⁿ Edward Brattle and Captⁿ John Browne, or one of them, Commissioners appointed to disburse and lay out the same in the service aforesaid." — *Executive Records of the Council*, vol. 3, p. 430.

Chap. 84. This chapter is from council records, vol. VII., p. 259, and archives, vol. 40, p. 728.

The particulars of the offence and sentence of Daniel Wilcox and of the satisfaction of his fine have been given in chapter 80, 1700-1, and note. See, also, note ‡ on p. 8, *ante*.

The petition mentioned in the preamble to this chapter is as follows:—

"To the Hon^{ble} the Council and Representatives of his Mat^{ys} Province of the Massachusetts Bay in New England in General Court assembled, Feby 1701/2.

The Petition of Samuel Gallop Sheriffe of the County of Bristol

Humbly Sheweth

That Daniel Wilcox of Little Compton in the County afores^d being indicted and found guilty of high Misdemeanour at his Mat^{ys} Court of Assize and General Goal Delivery held at Bristol for the sd County of Bristol the last Tuesday of August 1693. was by the sd Court ordered to pay for his sd Offence, as a Fine to his Mat^y one hundred and fifty pounds in money and to find suretys for his good behaviour &c, and to stand committed until the sd sentence were performed, which sd Wilcox was accordingly committed to the custody of your Petitioner and afterwards by reason of the insufficiency of the Goal in sd County and for that divers evil minded persons had given out speeches of their intentions to procure his Escape, your Petr received a Warrant from the Hon^{ble} W^m Stoughton Esq^r then chief Justice of the sd Court of Assize, pursuant to an Order of the Governour & Council, to remove the sd Wilcox to his Mat^{ys} Goal in Boston there to be safely kept until he should perform the sd sentence, In obedience to which Warrant your Petitioner was conveying the sd Wilcox to Boston, but notwithstanding your Petr used his utmost care and diligence to keep the sd Wilcox safe, he made his Escape whilst he was bringing down, and got over to Rhode Island, where he was sheltred and protected by that Government—During which time your Petitioner made several Journys to Rhode Island and other places to endeavour the recovering of the sd Wilcox into custody again and in so doing (altho he could never effect y^e same) was at sundry charges and Expences, amounting to the sum of Ten pounds or thereabouts.

Forasmuch therefore as the sd Daniel Wilcox hath now satisfied the Fine aforesaid, by granting & making over to the Province (agreeable to a Resolve of y^e General Court) several parcels of Land that were belonging unto him in consideration whereof the sd Court hath by their afores^d Resolve ordered that he be discharged from the sd Fine.

Your Petitioner therefore humbly prays this Hon^{ble} Court that he may be reimbursed by an order upon the Treasurer, the charges & Expences he was at as afores^d in endeavouring the recovery of the sd Wilcox after he had made his Escape as before mentioned, and that such further allowance may be made to your Petr in consideration of his extraordinary trouble in that affair, (besides his charges & Expences afores^d) as this Hon^{ble} Court shall think fit

And yo^r Petitioner, as in duty bound shall ever pray &c

SAM^l GALLOP." — *Mass.*

Archives, vol. 40, p. 727.

The petitioner also filed the following account:—

"Here ffolloweth an Accom^t of the Desburstments of Sam^l Gallop sherriff of the County of Bristoll about Daniell Willkocks Which was acasoned by s^d Wilcox's his Escape from s^d sherriff in y^e year 1693

| | £ | s | d |
|--|---|----|---|
| <i>Impi^m</i> To a Jurny to Little compton in october 1693 to Look after him | 0 | 12 | 0 |
| To another time in December 1693 to Look for him | 0 | 13 | 0 |
| To a Jurny in march 1695 Where I Lay hid to waite for his Coming I was gon from home Just a week on no other bisnis | 1 | 12 | 0 |
| To a Jurny to newpourt in March 1696 to Demand him of y ^e Gouer ^r | 0 | 18 | 0 |
| To a Jurny to Boston in March 1696/7 to petion y ^e honorable Lef ^t Gouer ^r & Counsell & hous of Representatives for fauer for a time Whilst he mite be Taken mony time & Expences | 3 | 12 | 0 |
| To two Jurnys to newpourt to complayne to y ^e Earl of Bellomont when my Lord was there in September 1699: 4 Days in all | 1 | 04 | 0 |
| besides the may* Treatyes which I have had with Diuers persons To be assisting to me in Taking of him the said Wilkocks | 3 | 00 | 0 |

A True account p^r SAM^l GALLOP." — *Ibid.*,

p. 729.

The above petition was read in the House on the twentieth of February, 1701-2, and, together with the account, was referred to the committee on petitions, who made the following report:—

* *Sic*: many?

"The Committee appointed to Consider of Captⁿ Sam^l Gallops petⁿ and his acct of Exspence, in y^t affair.

Their Report.

Viz: we spake with y^e s^d Gallop, and discourc'd of y^e severall head, or articles in his acct of charge, and in fine we are of opinion y^t the whole thereof namely Eleven pounds and Eleven shillings be pay^d him out of y^e publick tresurey so soon as there is a supply put thereintoo in full for his s^d care and trouble,

Feb: 23^d 1701/2

JAM^s CONVERSE." — *Ibid.*

On the same day the House passed the resolve which constitutes this chapter and sent it to the Council, for concurrence, where, on the twenty-fourth, it was concurred in, consented to, and signed by fourteen members.

The order in Council* for the payment of this allowance was passed March 18, 1701-2, and by the province treasurer's accounts† it appears to have been duly paid.

Chap. 87. This chapter is from council records, vol. VII., p. 261, and archives, vol. 62, p. 399.

The petition mentioned in the preamble to this chapter is as follows:—

"To the Hon^{ble} the Council & Representatives of his Ma^{ty}s Province of the Massachusetts Bay in New England, convened in General Assembly Feby 1701

The Petition of Samuel Lillie of Boston Merch^t

Humbly sheweth

That the Briganteen Mary, Samuel Hunting Master (of which your Petitioner was owner) being bound in to the s^d Port of Boston from the Bay of Campeachy laden with Loggwood, on the 31th of January last was cast away upon the rocks lying before Marblehead, and the Vessell & great part of the Loading on board the same thereby lost, but some part of the s^d Loading (Viz^t of Loggwood) hath been, with considerable charge and Expençe, recovered and saved —

Your Petitioner therefore humbly prays this hon^{ble} Court. That the duty of Impost payable by the Act of this Province for such of the said Loggwood as is or shall be saved may be abated and that order may be given to the Commissioner & Receiver of the s^d Dutys of Impost to abate the same accordingly

And your Pet^r shall ever pray &c." — *Mass. Archives*, vol. 62, p. 399.

The order which constitutes this chapter originated in the Council, and was passed by both branches and consented to and signed by fourteen of the Council, on the same day.

Chap. 88. This chapter is from council records, vol. VII., p. 261, and archives, vol. 11, p. 165.

The petition mentioned in the preamble to this chapter is as follows:—

"To the honourable Councill & Representatiues assembled in Generall Court

May it please your honours to be informed yt by Cap^t Wintworth I received for the use of the french Church three hundred pounds value sterl in European Com^{tyes}† as the gift of his Majesty, hitherto it has been transacted free of all dues to privat men thro. whose hands it hath passed, Now my humble request to yo^r hon^{rs} is yt the smal custome due to his Maj^{tyes} Government here may be remitted. I humbly pray yo^r hon^{rs} pleasure may be known by m^r Thomas Newton whom I haue desired to present this pa^p to yo^r hon^{rs} I am Yo^r honours most respectfull & obedient servant

Camb. 24th 8b~1701.

F. FOXCROFT./.

m^r Newton pray take a fitt occacōn to p^rsent my request to the Councill & know wth answer I am yo^r servant
FF FF." — *Mass. Archives*, vol. 11, p. 165.

The order which constitutes this chapter originated in the Council and was passed by both branches and consented to and signed by fourteen members on the same day.

Chap. 90. This chapter is from archives, vol. 101, p. 216. It is recorded in council records, vol. VII., p. 265. See resolves, 1699-1700, chapter 21, and note, and 1700-1, chapter 49, and note.

This resolve originated in the House, and was passed by both branches, and consented to and signed by "fourteen or more" of the Council, on the same day.

The following is an extract from the order in Council for the payment of this allowance:—

"March 18, 1701-2. To each one of the late Committee appointed to receive claims of and grant Debentures upon debts contracted by the Publick in the time of the Government of Sr Edmund Andros (namely, Peter Sergeant Esq^{re} John Walley Esq^{re}, Mr Jacob Green, Mr Francis Burronghs and Mr Joseph Parson) the sum of Twenty pounds as a further and full compensation of their service in that affair." — *Executive Records of the Council*, vol. 3, p. 292.

Chap. 91. This chapter is from council records, vol. VII., p. 265. It has not been found in the archives.

The order in Council* for the payment of this allowance was passed March 18, 1701-2, and the payment is duly charged to Brenton in the accounts† of the province treasurer.

Chap. 92. This chapter is from council records, vol. VII., p. 265, and archives, vol. 40, p. 719.

* *Executive Records of the Council*, vol. 3, p. 293

† *Mass. Archives*, vol. 122, p. 170.

‡ *Commodities*.

The petition mentioned in the preamble to this chapter is as follows: —

“Massachusetts Bay } To the great & Generall Court or Assembly Sitting in
In New England } Boston by Adjourn^t July 30th 1701, In the 13th Yeare of
his Maj^{ty} Reigne —
The Petition of Anthonÿ Checkleÿ.

Humbly Sheweth

That In June 1689= The Gour Councill & Representatives of this province Chose your petitioner Atturney Generall In behalfe of King William & Queen Mary In which place & Station I have Continued to this day, haueing bin Confirmed in Sr W^m Phipps his time, by A new Election & An Ample Comition Vnder the seale of the Province, And Since that by his Excelency the Earle of Bellomont his proclamation & Aprobation, I have Indeaoured to haue A distinet Vnderstanding of the pleas of the Crowne, & in all Cases to do Right betwixt the King & his Subjects without Respect of Persons or Sinister ends, So that non Can tax me wth misdeemenor And I hope their hono^{rs} the Judges will Justifie me, But I haue bin & still am Vnder Insupportable discouragments

1= I neuer Could know what was my duty, — What I Should doe, nor

2= I neuer Could know what was my due — What I must haue which I humbly think Should haue bin Setled by the law, All other officers know their power duty & dues by the law, but Relating to the Kings Atturney the law is Silent, By which Taciturnity the minds of the hono^{ble} legislators seems to be that there is no need of Any Such Officer, Although he had his first being from the Gouernor Councill & Representatives, by their Election, at a time when they neither had Such A P^ticular order nor Such an Ample power for the Constituting An Atturney Generall for the king as now they haue —

Vnder these discouragm^{ts} I haue labored for aboue Twelue Years, I haue neuer had Any Compensation but what I haue obtained by beging, The last time I beged was the 13th of March 1699= And the hono^{ble} Court Allowed me for fower Years then past Sixty pounds which is but fifteen pounds P^r Annum, which hath not bin A Sufficient Recompence, for my Care, troble, Expence, & disadvantage In the Execution of this Office, I haue not Receiued So much as I haue nessesarily expended, And haue had Nothing for my Care & troble, Besids my disadvantages haue bin great which I pray the honored Court to Consider

1= By my being the Kings Atturney I hane bin wholly Impeaded & hindered from defending Any Person Informed against for the breach of Any penall Statute nor Could I euer be Councill to Any Accused of Any Crime, Although I haue not bin admitted to P^rsecute the Offenders, but Others at the Choyce of the Informer, or the Complainant, haue taken my buiseness from me, & I stand like mum Chance, This hath bin A great loss & damage to the Kings Intrest, as well as to my disadvantage

2= This Office hath Allways Obliged me to A Redy & Constant Attendance Vpon y^e Gen^l Courts & Councils & other Courts when they haue Called me, So y^t I must leaue all other buiseness to Attend them

My humble prayer to this great & generall Court or Assembly is, That you will take the matters & things beforementioned Into your Serious Consideration, I had my being from yor Election, you are my ffather, And I Am P^rswaded yor Singling me out of all yor Children in this prouince, to that honorable place was A mark of yor fauor, And that you Intended I Should both doe & Receiue good therin & therby — As I do not desire to be Inriched So I pray I may not be Impouerished by the place — lett me not be A looser therby, I pray for Some Competent Satisfaction for what is past And for y^e time to Come that I may know what I must doe & what I must haue, I Am willing to Serue you If you do not Starue me. I Am your Obedient & faithfull Servant —

ANTHONY CHECKLEY." — *Mass.*

Archives, vol. 40, p. 718.

This petition, though addressed to the Assembly at the July session, was first read in the House, on the twenty-fifth of February, and on the next day the House passed the resolve which constitutes this chapter and sent it to the Council, where it was forthwith concurred in and consented to and signed by fourteen members.

The order in Council* for the payment of this allowance was passed March 18, 1701-2.

Chap. 93. This chapter is from council records, vol. VII., p. 266, and archives, vol. 70, p. 543.

The petition mentioned in the preamble to this chapter is as follows: —

“To the Hon^{le} his Maj^{ty} Councill, and asemblye, conueand In Gen^l Court, at Boston in this his Maj^{ty} prouince of the Massatusets Bay in New-England, Oct^r 15th 1701

The petetion of John Wilson of Billerica in the County of Middx in y^e prouince afores^d

Humblye sheweth,

That your petetion^r did the last yeare, viz: in the yeare seventeene Hundred, prefferr a petetion to this high and Honou^{le} Court, for allowance in matters wherein he had bin in disburs^s for y^e publick about Eight or nine years agon, when he was Lt vnder Captn Ja: Converse, in his Maj^{ty} service Eastwd and in the s^d petetion y^e matter is set forth more perticularly, and not haueing any friend at Court y^t knew how the matters were circumstanced, the Hon^d Comitte had not the right vnderstanding thereof, but now my afores^d Captn being a member of the Honou^{le} hous of Representetiuies, I doubt not but he will be willing to Informe your Hon^s y^e the^t truth of those things mention^d in my s^d petetion

I do now pray, for a Reconsideration of my Case, Reffering your Hon^{rs} to my s^d petetion, and my afores^d Cap^{ts} Information, and I doubt not of a gracions answer, — so shall your petet^r Ever pray &c

Archives, vol. 70, p. 543.

JOHN WILSON." — *Mass.*

The former petition referred to by Wilson is printed in the note to resolves, 1700-1, chapter 70.

* Executive Records of the Council, vol. 3, p. 293.

† *Sic.*

The resolve which constitutes this chapter originated in the House on the twenty-fifth of February, and on the next day was passed by both branches and consented to and signed by fourteen members of the Council.

The order in Council* for the payment of this allowance was passed March 18, 1701-2, and the province treasurer's account† contains an entry showing that it was subsequently paid according to order, — both allowances amounting to ten pounds.

Chap. 95. This chapter is from archives, vol. 101, p. 215. It is recorded in council records, vol. VII., p. 267.

At the opening of the last session this year the Council formally addressed the House, as follows: —

"Feb. 18, 1701-2. Gentlemen The probability of a rupture betwixt the Crowns of England, and France, which was expected would have happened before this Time, And by the late Intelligences Seems to be hasting forward, Urges the Necessity of making all Suitable, and early provisions for the Safety, and Defence of the Province, particularly, for the Compleating of the Fortifications begun on Castle Island, which is the Chief, and Principal matter we have to recommend unto Your Consideration . . ." — *Council Records, vol. VII., p. 254.*

On the twentieth a resolve was sent to the Council from the House containing, besides a clause empowering the committee for the Castle to exchange the bills of credit for "money," the provisions of this chapter, except the clause for sending to Colonel Römer, the clause charging the arrears of impost and excise, and the order to the treasurer for five hundred pounds in money. This resolve was read at the Board, and the consideration thereof "referred to a further day." On the twenty-fourth the Council voted to reject the clause empowering the committee to exchange the bills for money, and sent the resolve, thus amended, to the House, for concurrence. On the twenty-sixth the resolve was passed and sent to the Council in the form in which it appears in this chapter. The Council passed it, in concurrence, and it was consented to and signed by fifteen members.

The clause for sending to Colonel Römer is explained by the following entry: —

"March 9, 1701-2. Pursuant to a Resolve of the General Assembly at their Session in February last, that Col. Romer be timely sent to, to afford his assistance for the carrying on and compleating the Fortifications on Castle Island.

Ordered. That a letter to the ^{sd} Colo Romer his Majty's Engineer (now residing at New Yorke) be drawn up and sent him desiring and expecting on his Majty's behalfe that he speedily return to this Province to assist and direct in the going forward with and compleating of the said Fortifications by him begun on Castle Island aforesaid.

Also Ordered. That a Letter be written to Lieutt Govr Nanfan, Commander in Chief of his Majty's Province of New Yorke, acquainting him of the Import of the said letter to Col. Romer and desiring that he may be permitted to come hither for the finishing of the said Fortifications, his Majty's service requiring the same.

And, letters to the ^{sd} Lieutt Govr Nanfan and Colo Romer being accordingly drawn up, were severally signed by all the Members of Council present at the Board." — *Executive Records of the Council, vol. 3, p. 288.*

Orders were passed in Council for the payment to Thomas Brattle, as follows: five hundred pounds, March 27, 1702;‡ five hundred pounds, August 6, 1702;§ and the remaining five hundred pounds, November 5, 1702.||

Chap. 96. This chapter is from archives, vol. 70, p. 548. It is recorded in council records, vol. VII., p. 268.

The memorial referred to in this chapter is as follows: —

"To the Hon^{ble} his Maj^{ties} Council Seting in Boston febr^y 18. 1701.

The Memorial of Elisha Hutchinson Capt of his Maj^{ties} Castle on Castle Island near Boston

I being by my Instructions Required to give yo^r selus spedy notis of what may be necessary for his Maj^{ty}s service, and being Enformed that when the work now in hand is fully Compleated, yo^r Hon^{rs} intend; one hundred pieces of Ordnanc to be planted there, of w^{ch} Ninety are at the Castle, The work being so much Enlarged its absolutly necessary to Reinforce the Garison wth a sufficiant Number of able men, and that there be sutable Baricks, as wel as provision & amunition

Impr The standing Garison should consist of at least one hund^d & twenty able men besides officers.

2. That three hundred more Matrosses, be listed undor proper officers to attend the service at the Castle one day every weeke, until they be Instructed to know their busines, and afterwards to attend one day in Each month in the suñor when Required.

3. ffor small shot men, its needfull to have foner hundred Museaters with sutable officers, to defend the Lines stockados & shore, to attend one day Each month in the suñor when Required, that Each Comp^a may know their proper post & busines in time of action.

4. The 700 men aboue s^d undr their proper officers, are upon the first notis of an alarme, spedily to Repaire to their Collours & Comandors, to be transported to y^e Castle with out Exspecting any further ord^{rs} from superior officers.

5. not less then one hundred barels of poudor, to be at y^e Castle.

* Executive Records of the Council, vol. 3, p. 293.

† Mass. Archives, vol. 122, p. 169.

‡ Executive Records of the Council, vol. 3, p. 296.

§ *Ibid.*, p. 357.

|| *Ibid.*, p. 382.

6. not less then one months provision for a thousand men.

7. Some fireworks may be provided to convoy on board the Enemys ships, if they attempt to pass y^e Castle.

8. Besides the guard house that is intended there ought to be a good dwelling house for the officers that may be sent thither, and other sheltors to keep the souldiers from the weather, and those within the forte to be repaired, also a storehouse for provision, & a convenient roome for Buggs* barels.

ELISHA HUTCHINSON." — *Mass. Archives*, vol. 70, p. 547.

This memorial, having been read in the Council, was, on the twenty-fifth of February, "ordered to be sent down to the House of Representatives, by Elisha Cooke, Penn Townsend and Nathaniel Byfield." with another message. On the twenty-seventh the House returned the memorial to the Council, with the order thereupon which constitutes this chapter.

The Council thereupon passed the following resolve:—

"March 27, 1702. Resolved. That the Garrison at his Majty's Castle on Castle Island be made up one hundred and twenty effective men, besides the Commission and Warrant Officers; And that Warrants of Impress be made out for the detaching of one hundred able Souldiers for that service, out of the several Regiments of Militia hereafter mentioned in proportion following, viz:

Out of the South Regiment in the County of Suffolk, under the Command of Colo Nicholas Paige, fifteen.

And warrants of Impress being drawn up accordingly, were signed by fourteen (or more) of the Members of Council present at the Board." — *Executive Records of the Council*, vol. 3, p. 294.

On the next day the Council passed the following additional resolve:—

"March 28, 1702. Resolved. That to the intent there be a suitable number of men trained up and instituted in managing and traversing the Great Ordnance at his Majty's Castle on Castle Island, who, being knowing of their duty, may be the better fitted for defending the same in case of an attack by an Enemy, there be inlisted out of the two Regiments of Militia in the County of Suffolke, & the lower Regiment of Militia in the County of Middlesex three hundred able Souldiers, under proper Officers vizt one hundred and twenty of the Regiment under command of Colo Nicholas Paige; eighty of the Regiment under command of Col. Elisha Hutchinson, & one hundred of the Regiment under Command of Colo John Phillips.

And that orders be given to the s^d respective Colonels to inlist the number of souldiers abovementioned for the service aforesaid under proper Officers, and to see and take care that upon an alarm from the s^d Castle they forthwith repair to the same for the enforcement and defence thereof, and that at certain times to be appointed they also repair thither to be exercised & Instructed in managing and traversing the ordnance and other parts of their duty in case of an attack.

And, orders to the s^d respective Colonels being drawn up accordingly were signed by fourteen (or more) of the Members of Council present at the Board." — *Ibid.*, p. 297.

During the session in August the House had, by resolve, sent to the Council certain proposals, one of which was as follows:—

"proposed that the fortification at Castle Island be Carried on with all Expedition & that there be Suitable accomidation for Stores of warr & Comfortable Subsistance of officers & Souldiars & y^t a sufficient sutable Numbr Constantly attend there & be trayned up for y^t service: And also ready for defenc upon any assault soe many Listed y^t shall attend ye Capt's order upon ye approach of an Enemy upon ye first notification." — *Mass. Archives*, vol. 48, p. 342.

This proposal was reinforced by a memorial to the Council from Elisha Hutchinson, the record of which (and of the Council's action thereon) is as follows:—

"Sept. 6, 1701. A memorial of several things wanting at his Majty's Castle on Castle Island, being laid before the Board by Elisha Hutchinson Esq^{re} Captain of the s^d Castle, was read, and an order thereupon made out and signed by sixteen of the members of Council present at the Board, directing the s^d Captain of the Castle to procure the several things in the s^d memorial mentioned, and to lay before the Board an accompt of the charge thereof, that payment for the same may be ordered." — *Executive Records of the Council*, vol. 3, p. 245.

Chap. 97. This chapter is from archives, vol. 70, p. 549. It is recorded in council records, vol. VII., p. 268.

This resolve originated in the House, and was passed by both branches and signed by "fourteen or more" of the Council the same day.

The following resolve was passed by the Council on the eighteenth of March, 1701-2:—

"Pursuant to a Resolve of the General Assembly at their Session in February last, for the purchasing of one hundred barrells of Gunpowder, in addition to the present stores, and referring it to the Council to take care to procure the same.

Resolved. That Elisha Cooke and John Walley Esq^{rs} with M^r Treasurer Taylor formerly appointed a Committee for that purpose, be and hereby are directed and impowred to treat and agree for the purchase of the said one hundred barrells of Powder at the best rate they can." — *Executive Records of the Council*, vol. 3, p. 289.

* Sic: budge.

The committee purchased of Peter Sergeant eighty-eight barrels of gunpowder, for which the Council, on the twenty-eighth of April, 1702, issued a warrant, signed by fourteen members present, upon an order* passed that day, for the payment of four hundred pounds, part of the price of the powder. See resolves, 1700-1, chapter 82, note.

Chap. 98. This chapter is from archives, vol. 40, p. 730. It is recorded in council records, vol. VII., p. 269.

The order in Council† for the payment of these allowances was passed March 18, 1701-2, and the warrants were signed by all the members of the Board present.

By the treasurer's account‡ it appears that Saffin received fifteen pounds, as his proportionate compensation "from the time of his receiving his commission, which was in August."

Chap. 99. This chapter is from archives, vol. 48, p. 350. It is recorded in council records, vol. VII., p. 269.

The order in Council§ for the payment of this allowance was passed March 18, 1701-2.

Chap. 100. This chapter is from archives, vol. 48, p. 349. It is recorded in council records, vol. VII., p. 269.

The order in Council§ for the payment of this allowance was passed March 18, 1701-2.

Chap. 101. This chapter is from archives, vol. 70, p. 550. It is recorded in council records, vol. VII., p. 269.

The order in Council§ for the payment of this allowance was passed March 18, 1701-2, and the province treasurer's accounts|| show that the same was paid according to order.

Chap. 102. This chapter is from archives, vol. 70, p. 551. It is recorded in council records, vol. VII., p. 269.

The order in Council¶ for the payment of this allowance was passed March 18, 1701-2.

For the original appointment of this committee, see resolves, 1700-1, chapter 85, and note. Their commission from Bellomont was not limited as to duration, and hence the request that they disburse the additional grants of the Legislature. See chapter 30, *ante*, to the original draught of which, the second paragraph of the present chapter was appended as follows: —

"And that the Committee be Desired to Proceed in that Affair, who are hereby Impowered to Direct the laying out the money further granted this session for fortifying the Castle, for Barracks, and other necessary Buildings, for Lodgings and Stores.

ffriday 27th feby 1701." — *Mass. Archives*, vol. 70, p. 599.

Chap. 103. This chapter is from the original in the Leffingwell collection of manuscripts sold in 1891. It was numbered 3716 in the sale-catalogue of Charles F. Libbie & Co., auctioneers. It is recorded in council records, vol. VII., p. 270.

Chap. 104. This chapter is from archives, vol. 101, p. 217. It is recorded in council records, vol. VII., p. 270.

For the settlement of Bogle's claim see resolves, 1702, chapter 57.

Chap. 105. This chapter is from archives, vol. 70, p. 552. It is recorded in council records, vol. VII., p. 272.

Chap. 106. This chapter is from archives, vol. 11, p. 165. It is recorded in council records, vol. VII., p. 272.

The proclamation under this resolve was issued on the ninth of March, 1701-2, and record made thereof as follows: —

"The General Assembly at their Session in February last, having past a Resolve, that a day of publick Prayer with Fasting be appointed throughout the several Towns of this Province, and that the Council appoint the time and assigne the occasions thereof.

A Proclamation was accordingly drawn up by direction of the Board, appointing Thursday the second of April next to be solemnized as a day of publick Fasting with prayer, and assigning the occasions of the same.

Which Proclamation was consented to and signed by all the Members of Council present at the Board." — *Executive Records of the Council*, vol. 3, p. 288.

Chap. 107. This chapter is from council records, vol. VII., p. 272. It has not been found in the archives.

* *Executive Records of the Council*, vol. 3, p. 305.

† *Ibid.*, p. 291.

‡ *Mass. Archives*, vol. 122, p. 165.

§ *Executive Records of the Council*, vol. 3, p. 293.

|| *Mass. Archives*, vol. 122, p. 169.

¶ *Executive Records of the Council*, vol. 3, p. 292.

1702.

Chap. 1. This chapter is from council records, vol. VII., p. 276. It has not been found in the archives.

The proceedings upon the tidings of this demise of the crown are thus recorded in the executive records of the council:—

“May 28, 1702. Thomas Burrington Master of a Vessel belonging to the Port of Boston arriving this morning from the Island of Newfoundland and bringing with him the London Gazette and several other Prints, Papers and letters, confirming the sorrowful and awful tidings of the death of our late Sovereign Lord King William the Third of blessed memory on the eighth day of March last, as also the Intelligence of the happy accession of the high and mighty Princess Anne of Denmark to the Imperial Crowns of England, Scotland, France and Ireland (which had been more uncertainly reported several days since from divers parts beyond sea).

The *sd* Gazette, Prints and papers were read at the Board, and the Council thereupon tooke into consideration, what is necessary to be done on this occasion, and upon debate thereof Resolved. That it's necessary for the Administration of the Government, that her Majty Queen Anne be forthwith proclaimed, and that the House of Representatives now sitting, be made acquainted with the *sd* Intelligences, and the Resolve of the Council thereon, and that their advice and concurrence therein be desired —

And a Message was accordingly sent to the house of Representatives by Elisha Cooke, John Hathorne, Samuel Sewall Esqrs and the Secretary; who acquainted the Board that they had delivered the *sd* Message and that the House would take it into consideration.

After some time, Captⁿ Samuel Legg and several other Members of the House of Representatives brought a Message from that House, that the House concurred with the Board in their Message sent them for proclaiming of her Royal Majty Queen Anne.

Then the following order was drawn up, read, agreed to and signed by twenty of the Councillors present at the Board. *vizt*

Whereas the sorrowful and awful tidings of the death of our late Sovereign Lord King William the third of glorious memory and together therewith the intelligence of the happy accession of the high and mighty Princess Anne of Denmarke to the Imperial Crowns of England, Scotland, France and Ireland have several dayes since been uncertainly reported to us by letters and otherwise from divers parts beyond sea, and have this day been confirmed by several Prints arriving to us from England by the way of Newfoundland; as by the London Gazette from Thursday March the 5th to Munday March the 9th 1701. wherein is contained the Proclamation of the Rt Hon^{ble} the Lords spiritual and Temporal of the Realm of England, Given at the Court at St James's the eighth day of March 1701, publishing the *sd* high and mighty Princess Anne to be Queen of England, Scotland, France and Ireland Defender of the Faith &c^a — as also, by the humble address of the Right Hon^{ble} the Lords Spiritual and Temporal in Parliament assembled of the 8th of *sd* month of March presented to her Majty on the 9th of the same, and her Majesty's most gracious answer thereto; and by her Majty's most gracious Speech to both houses of Parliament on Wednesday the 11th of the same Month, and by several other prints, papers and letters.

Ordered therefore. That the several persons newly chosen Councillors or Assistants for this Province do take the oath of Allegiance to her Said Majty Queen Anne.

And further Ordered. That the aforesaid Proclam^{tn} of her *sd* Majty to be Queen of England, Scotland, France and Ireland, Defender of the Faith &c^a be published in Boston to morrow in most suitable manner for such a solemnity. The House of Representatives now sitting, having been advised thereabout and signified their concurrence therein.” — *Vol. 3, p. 311.*

“May 29, 1702. The following Resolve being drawn up by direction of the Board, was read, agreed to and signed by eighteen of the Members of Council present at the same, *vizt*

Resolved. That in pursuance of the order of this Board of yesterday the Proclamation of the high and mighty Princess Anne to be Queen of England, Scotland, France and Ireland Defender of the faith &c^a be published at three a clock afternoon the afores^d order first to be read and immediately after, the *sd* Proclamation, and then her Majty's Royal Proclam^{tn} for the continuing of Officers, and this to be performed by the Secretary, attended by the high Sheriffe of the County of Suffolke, mounted on Horseback, who is audibly to pronounce the words received from the Secretary, at the Eastern end of the Townhouse before the Gallery, where the Regiment of Militia of the Town of Boston is to be drawn up in a proper figure, the Members of her Majty's Council and the Representatives now sitting attended with the Ministers, Justices of the Peace, Gentlemen and Merchants, to be received within the Guard. And after the said publication made, the *sd* Regiment to discharge three Volleys, and then the great Ordnance to be discharged at her Majty's Castle by a signal to be given them from the hill, and immediately after the same, the ordnance at the South and North Batterys to be also discharged; and after that the Ordnance on board her Majty's ship and other ships now in the harbour.” — *Ibid., p. 314.*

“May 29, 1702. According to the Order of the Board, the Proclamation of her Royal Majty Queen Anne, was made and published in manner as directed by the *sd* order, and attended with acclamations of Joy.” — *Ibid., p. 315.*

Sewall adds a few particulars in the following entry in his diary:—

“May, 28. [1702.] Burrington from New-found-Land brings Prints of the King's death March, 8. at 8 m. Queen's Speech to her Lords at St James's. Lords Spiritual and Temporal, their Address; Queen's Speech to the Parliament; Several Addresses; and at last the Gazette containing the Proclaiming the Queen, came to Hand: Then we resolv'd to proclaim her Majesty here: Which was done accordingly below the Town-house. Regiment drawn up, and Life-Guard of Horse; Council, Representatives, Ministers, Justices,

Gentlemen taken within the Guard; Mr Secretary on foot read the order of the Council, the Proclamation, and Queen's Proclamation for continuing Comissions. Mr. Sheriff Gookin gave it to the people. Volleys, Guns. . . . Proclamation was made between 3 and 4. . . ." — *Vol. II., p. 56.*

It seems by the following further memorandum by Sewall that, in the procession, on this occasion, the representatives, probably for the first time, took precedence of the clergy: —

"June, 1, 1702 . . . Had much adoe to persuade Mr. Willard to dine with me. Said Ministers were disgusted because the Representatives went first at the Proclaiming the Queen; and that by order of our House. . . ." — *Ibid., p. 57.*

Chap. 2. This chapter is from council records, vol. VII., p. 279. It is preserved in archives, vol. 40, p. 732.

Chap. 3. This chapter is from archives, vol. 70, p. 554. It is recorded in council records, vol. VII., p. 280.

In the following entry Sewall gives the date of the action of the committee appointed by this order, and describes his unpleasant experience on that occasion: —

"June. 10. 1702. Committee Tryes Powder, and firing so much and long distempered me; . . ." — *Diary, vol. II., p. 57.*

The order which constitutes this chapter originated in the House of Representatives on the second of June. Before the committee began their examination of the powder, Captain Timothy Clarke made the following statement, apparently to the committee: —

"Sometime towards the lattereand of march last his Honor Doch^r Cook: told me that the Cuntrey had bought or ware to haue fifty barels of mr Sergents Powdar — which was in y^e fort and being vnder my Charge he desyared me to goe to the fort with mag^r Walley and himselfe — to make Choyse of the same I askt him w^t thay gaue he told me he must nott tell I told him I had some to sell/ yt Came with mr Sergents from London bought by the same man — he told me prhaps thay might by mine If good or the like: for thay ware to by I think one hundred barels — / I told him I would wayt vpon him soe we mett att mag^r Walleys — with mr Sergeant and after some discourse mag^r Walley Proposed yt I should putt by fifty barels out of the persell which — was Eighty Eight barels which I Refused to doe and dock^r Cook vtterly Reieckted yt motion — / whither we went yt time to y^e fort or nott I am nott Posative butt thay desyared me yt I would take sampels of some of them in papars — and bring to them for tryall whare we appinted as I Remem^r — to mete att mr Palmers which I promised them to doe/ soe I went and borrowe^d a Powdar Proofoe of mr farelon;* who told me yt good — Powdar would Rayse yt Proofoe foreteene Nochis which is about 90^d I went to m^r Thomas downe and desyared of him some good Powdar I told him the ocasion he gaue me some from thens I went to y^e fort and opened and boared seavarall Caske of Powdar — as thay desyared — I suppose tenn: or more and Putt the sampels in Papars — In doeing of which I found a persell as I Remem^r — about five barels stud Nigh: together which to the best of my Judgment was Rotten with age and nott fitt for servis I took: some sampels of them with some of the others of the better sort and went to the town house whare I mett dock^r Cook: mag^r Walley and mr Sergeant I think altogether — we went to mr Palmers and when we Came to the dore I told mag^r Walley or dock^r Cook: that some of the Powdar was good for Nothing or vearly bad vnfitt for servis and when we Came into the house I told the same Privately to: mr Sergeant and showed him some sampels of itt he semed to me to be of my opiunion: about the badnes of itt and sayd he would Putt it by — we tryed the Rest in the Proofoe: which Raysed generally as I Remem^r about six: seaven and Eight nochis butt that I am vnser-tayne about/ butt we Putt the Powdar in the proofoe yt I brought for tryall and yt Raysed about foreteene nochis/ mr Sergeant seavarall times desyared me yt I would take good Notis about the Powdar in genarall for he would haue itt all opened/ yt soe I might be able to give Cirtificate or testimony about the same to England — for he sd he would putt the bad Powdar on mr Bletsoe I told him I was sorrey itt soe fell out for I did beleue mr Bletsoe had Employed some person about itt yt had deseued him or ye like words/ some short time after I mett mr Sergeant in the streete: who told me yt Dock^r Cook: was Either gon or goeing to Plimouth Cort and therefore yt matter about the Powdar must be defered tell his Returne:/ we then began to discourse about the bad Powdar he told me he had some thoughts of haueing itt made over agayne heare for heare was salt Peter which the Cuntrey had and advised with me about the Charge: I told him yt would be according to ye strength of the Powdar — the weaker it was the more salt Peter it would take butt told him I had noe Judgment in itt butt Refered: him I think to Capt fayarweather/ fryday the 10th of apreill dock^r Cook: being Com: home we mett att the fort and gott a Coop^r to open the Powdar — I menc: dock^r Cook: and mr: Sergeant some short time after we Came In I shewed them the bad Powdar — I think: we opened butt one barell I teling them: the Rest that I had opened or sarcht was the like: and not fitt for servis I shewed them how thay might know them by a high — numbar that I had observed on the Caske: and shewed them seavarall others — and shewet them seavarall others:* that I had nott Examined — which I did suppose or Conclude to be the same — / the Coop^r Proceeded to open the better sort and Might open prhaps — to the quantity of thirty barels or more some of which — I saw others I did nott by Reason of makeing Preparation: to fyar the guns the next day being the day of his* Mag^{ty}s Corrynation — thay desyared my farther assistans in opening the Powdar the next day butt I told them my ocasions: was such — att the Castell that I could nott Posably attend itt butt ordard them the key If thay see Caues to doe itt by them selues — / we went that Euening to mr Treasurers: and made Proofoe: and made Proofoe* of that Powdar how much I know nott butt It Proned some better and some worse: butt as I Remem^r — we did accovnt that which: Rayed* the Proofoe Eight nochis

—Indifferent good the hight of the Prooffe being foreteene nochis I well Remembar that goeing home yt night with dockt Cook : after we had dun : I told him yt mr Sergeant had bin : weary Much : abused : in the bying of that Powdar — he made me answar and sayd butt how would the Cuntrey bin served or abused : If we had taken fifty barels out of the persell as magr Walley would haue had vs dun or advised to — soe we begun to talk about our Negleckt in genarall in nott takeing that Care about Powdar — and things of that Nature as we thought ought to be taken — the next day being the 11th of apreil I went downe to the Castell stay^d till night Munday the 13th apreil I mett dockt Cook and mr Sergeant att mr Treasures — where mr Sergeant prodused a great quantity of sampels — of Powdar — which thay had taken the Sattarday before when I was absent as thay told me — soe we went to tryall of those sampels in the Prooffe as before my worke was to Putt them finely out of the Papars into the Prooffe — and fyar them — mr Sergeant prepard one as the other was fyaring dockt Cook : sett them downe how many nochis thay Ris the prooffe : the time of doeing this I askt mr Sergeant If he had taken the sampels of the bad Powdar he and dockt Cook answared yee : all I sayd I thought it proued — better genarly then wt : was Proned before or the bad Powdar was better then I Expecked : or to that purpose : I doe not Remembar I took any of that Powdar in my hand to try the grayne — soe was Imposable for me to give any Judgut on itt as thay Could that see the Powdar with the heads outt If I did giue : my opinion yt fifty barels — might be found out of the persell fitt for servis I haue soe farr forgot itt I dare not sware itt yett I haue some Notion in my mind yt I did say soe/ butt left yt matter to dockt Cook : whome I told yt : I wold Nott advise to take any that did nott Rayse the Proff to the best of my Remembrans Eight nochis att lest : — I Remembar when I haue mett with any Powdar better then ordinary I haue said this is good or good Powdar — and told them I could tell when the Powdar was good by the Requoyle of the proof in my hand butt this I am posative I haue oft Complaynd of the badnes of the Powdar — and whateuer I haue sayd about the goodnes of It I haue had Regard owly to fifty barels : which thay allwayse sd to me thay ware to take out of the Eighty Eight barels — I was Conserved for my frind mr bletsoe that bought the Powdar — yett did intend to giue him an Impartiall accovnt about the matter — as mr Sergeant seavarall times desyrd me after we had discoverd that which I call bad Powdar — when we had dun I washt : my hands and took my leaue of those gentelmen — Leaveing them att mr Treasures house — Nott accovnting my selfe any farther Conserved : and Conclude^d in my mind — thay would Consult what to take and what to lene — some short time after mr Sergeant mett me and told me — he had sold all his Powdar to the Cuntrey Intimateing to me that I had not nede to : Considar any thing to write mr Bletsoe about itt some short time after I mett magr Walley I think the same day and Either askt him If thay had bought all mr Sergents Powdar — or told him I had hard thay had dun itt he sayd thay had I told him some of itt was good for nothing or vnfitt for servis or to yt Purpose : he Replyed something to me wt It was — I haue forgott butt I did think by itt thay had bought itt some greatt or good Penney worth — and I doe not know yt I had any farther thoughts : aboutt itt till In Compt^a Capt Byfild was saying that the Cuntrey had bought all mr Sergents Powdar and had given : Eight pounds pr barell for itt which did strayngly surprize me — / June. y^e. 8th 1702 : pr TIMO CLARKE." — *Mass. Archives*, vol. 70, p. 566.

The powder which Clarke thought unfit for use was a part of the stock purchased of Peter Sergeant, under resolves, 1701-2, chapter 97, *q. v.*, and note.

Chap. 4. This chapter is from archives, vol. 20, p. 79. It is recorded in council records, vol. VII., p. 281. See chapter 7, *infra*.

Chap. 5. This chapter is from archives, vol. 101, p. 220. It is recorded in council records, vol. VII., p. 281.

The order passed in Council, August 1, 1701, requiring the province treasurer to pay to Purchis the amount of the allowance granted by resolves, 1701-2, chapter 14, was rendered void by the death of Purchis. This chapter, therefore, was passed to transfer the grant to his widow; and the order in Council* for paying the amount for her benefit to Wilson, who was the representative from the town of Concord, was passed August 13, 1702.

The payment of this allowance is charged in the accounts† of the province treasurer.

Chap. 6. This chapter is from archives, vol. 62, p. 402. It is recorded in council records, vol. VII., p. 283.

The petition set forth in this chapter concluded with the usual formula, "and your petitioners as in duty bound shall ever pray &c."

Chap. 7. This chapter is from archives, vol. 20, p. 80. The order for signing is recorded in council records, vol. VII., p. 283.

On the fifth of June the committee appointed by chapter 4, *supra*, reported in the Council, by Elisha Cooke, chairman, the draught which constitutes the present chapter. The Council immediately passed it to be engrossed, for signing, and sent it to the House, with this vote, for concurrence. It was read in the House on the same day, and on the sixth it was "resolved a concurrence," and signed by the Speaker.

Chap. 8. This chapter is from council records, vol. VII., p. 284. It has not been found in the archives.

The following is Phipps's letter acknowledging the receipt of the address to the Queen, and the accompanying letter to him from the Assembly : —

* Executive Records of the Council, vol. 3, p. 363.

† Mass. Archives, vol. 122, p. 170.

“R^t Hon^{ble} S^{rs}

Y^{or} L^{re} of y^e 8th of June last wth y^e Address inclosed came to my hands on Thursday y^e 26th of July, And having an Intima^{co}n that an Address was come from Barbadoes & being desirous y^t you should be earlier in y^{or} Congratulac^on of y^e Queens Accession to y^e Throne then any other of her Colonies or Plantac^ons I went immediatly to y^e Earl of Pembroke L^d Presid^t of y^e Councill to acquaint him of y^{or} Address & to desire him to introduce me to deliver it; But y^e Co^rt being at Windsor and his L^dsp not being to attend her mat^{ie} till y^e Thursday following I thought it not proper to delay y^e delivering it so long & therefore I waited on y^e Earl of Nottingham Principall Secretary of State y^e next day to desire y^e Hon^r of him to introduce me to y^e Queen w^{ch} he most kindly & readily promised to do & appointed me to attend at Windsor on y^e Sunday following being y^e 19th of July w^{ch} I did & vpon her mat^{ies} return from Chappell when she was in y^e p^{re}sence Chamber attended wth a great many of y^e nobility & other P^{er}sons of Quality his L^dsp introduced me & I delivered y^{or} Address w^{ch} she rec^d wth great satisfacc^on & gave it to y^e Earl of Nottingham who was pleased to promise me it should be in the Gazette I acquainted his L^dsp of y^e great marks you had given of y^{or} Loyalty & Affecc^on to y^e Queen & wth what demonstrac^ones of Joy you had proclaimed her, & of y^e great solemnity observed by you on y^e occasion of his late Mat^{ies} death & desired some notice might be taken of it in y^e Gazette, & to y^t purpose I gave his L^dsp a Copy of y^t part of y^{or} L^{re} w^{ch} related to it & he was pleased to say that so much as was proper should be menc^oned and accordingly it is notified in y^e Gazette.

Before y^e Queens return from Chappell I met M^r Blathwait & having acquainted him wth my errand he desired to see y^e Address, & having read it he was of opinion the Word Much before y^e word Alleviated should be left out I accordingly strook it out w^{ch} is all the alterac^on was made in it

As to y^e surprizing of y^{or} ffishing vessells near Cape Sables there being War proclaimed between England & ffrance you cannot expect any redress in y^t matter during y^e War But I hope to put it into such a method that when a Peace is concluded you shall have satisfacc^on

There was no Bill brought in y^e last Parliament for y^e vacating y^{or} Charter or y^e Charter of any other Governm^t If any such Bill be brought in this ensuing Parliam^t I will be sure to give it all y^e obstrucc^ons I can, In y^e mean time I think it would be very prop^r to furnish me wth as many Arguments as you can ag^t such a Bill

As to M^r Allen's business there will be a hearing in it about a month or six Weeks hence where I shall not fail God Willing to be p^{re}sent and in that and in all other things you may be assured of y^e greatest service he is capable of rendring you who is

Middle Temple London

Y^{or} most obedient humble Serv^t

Aug^t 1. 1702.

Coⁿ PHIPPS.” — *Mass.*

Archives, vol. 51, p. 141.

Chap. 9. This chapter is from archives, vol. 2, p. 442; and the following is the Secretary's record of this transaction: —

“June 8, 1702. A Letter to his Exce^{ll}ency the Lord Cornbury Governour of New Yorke, on behalf of Coll^o Romer her Majesty's Engineer That he may be permitted to Stay here for Sometime to Compleat our Fortifications by him begun on Castle Island, was drawn up, and Signed by the Major Part of the Council, and being Sent down to the Representatives, was again returned from them, Signed by the Speaker in the Name of that House.” — *Council Records, vol. VII., p. 285.*

Chap. 10. This chapter is from council records, vol. VII., p. 286. It has not been found in the archives.

Chap. 11. This chapter is from council records, vol. VII., p. 286. It has not been found in the archives.

The order in Council* for the payment of this allowance was passed August 13, 1702, and, by the treasurer's accounts,† it appears that it was duly paid to Maxwell.

Chap. 14. This chapter is from coun^{ci}l records, vol. VII., p. 287. It has not been found in the archives.

The province treasurer's account‡ shows that the unendorsed bills described in this chapter were paid.

Chap. 15. This chapter is from council records, vol. VII., p. 287. It is preserved in archives, vol. 71, p. 338.

The proposal mentioned in the preamble to this chapter was as follows: —

“To the Hon^{ble} the Council and Representatives of his Mat^ys Province of the Massachusetts Bay in New: England in General Court assembled, May the 27th 1702.

The Proposal of Joseph Hill of Boston Varnisher. —

Humbly offered. —

Whereas there is very great probability of our Nations being speedily involved in a bloody War; which will affect all the Dominions and Territories of the Crown of England as well in this Country as else where; And prudence requiring that all just and necessary provision and preparation be made for the defence and preservation of y^e same. I crave leave, humbly to Informe this Hon^{ble} Court That the true Love which I have and bear to my King and Nation and the zeal I have for their service hath for some time past put me on invention to find out some thing that might be serviceable in time of War for the

* Executive Records of the Council, vol. 3, p. 363.

† *Mass. Archives*, vol. 122, p. 166.

‡ *Ibid.*, p. 172.

annoyance of any Enemy that should attempt the Invasion or destruction of his Matys Subjects or interests And have proved and found by experience that I can form such Engines and make such composition of Fire works as with Gods blessing shall do greater execution and Spoile upon the Enemy and contribute more to the defence of any Castle or Fortification than a considerable number of men can do. which I am ready to demonstrate and rationally make out to such Committee of prudent persons as this Hon^{ble} Court shall thinke fit to appoint and confide in so that they be under Oath not to divulge, what of my art I must necessarily disclose and make known unto them; but only to report their Opinion whether they apprehend what I propose to be Practicable and usefull, And if thereupon the Honoured Court shall see cause to Encourage the same by granting what shall be necessary for the procureing of Materials necessary to be used therein and to support the other charges incident thereto. I shall with all alacrity & diligence apply my Selfe forthwith to provide and make ready what may be proper and necessary to be made use of for such an occasion, and willingly serve your Honours to the utmost of my power. —

And as in duty bound shall ever pray, &c.

JOSEPH HILL." — *Mass.*

Archives, vol. 71, p. 337.

This paper appears to have been read in the Council on the third of June, and, on the ninth, the resolve which constitutes this chapter was passed by the House. On the tenth the Council concurred in the passage of the resolve, and it was signed by fourteen members of the Board.

On the thirteenth of August an order was passed, in Council,* for paying the twenty pounds, and the province treasurer's account,† from May 26, 1703, to May 31, 1704, shows that the amount was paid over to Samuel Legg, of the joint committee, for the purpose indicated in this chapter.

Chap. 16. This chapter is from council records, vol. VII., p. 288, and archives, vol. 11, p. 166.

This chapter was based upon the following petition: —

"June the: 9th 1702

To the Hon^{ble} the Counsell and Representatines of her Majestys Prouance of the Masse-thuset Bay: now setting in Boston in Generall assembly

The Humble Petition of Abraham Preble Representatiue for york: sheweth that Whereas the said town of york haue of Late been under uery Grate disadvantages by reason of the Loses sustained by the war: and families dispersed and Broken up: sum of which altho returned unto us are not Able to sustaine any publick Charges: because of the Charges and disbursements about their one settlement; haueing much to doe and but Little to doe withall; haueing also bin Lately att Considerable Exspence; In bulding for the Conueniency and accomodation of the ministry: and in maintaining a scool for the Instruction of our youth; which Wee Look upon as highly needfull & beneficiall and are still Willing to Giue all due Encorragment there unto we Can: and haueing had Greate Reson to think well and Worthely of What the Hon^{ble} Coret hath done for us in our Low Estate for the separte of the ministry a mong us, which we most Gratefully Accept and acknowledg; are therefore Incorraged herefrom to sallicitt once more that your Hon^{rs} will please to Giue us help by Granting some further Encorragement this year unto the Rev^d mr Samu^{el} Moody whome God hath hitherto made a blessing unto us: Hopeing that if God bless the land with peace: and this Hon^d Corte and assembly shall please to assist us this year we shall bee able here after to Carry on and support the ministry among our selues; without being any further Chargable or trubelsum. unto the Publick and not douting of your Generous and Good Inclination to assist us in what you Can humbly submit and shall for euer Pray for &c." — *Mass. Archives*, vol. 11, p. 166.

The order in Council‡ for the payment of this allowance was passed May 1, 1703, the amount to be paid "to M^r Samuel Moody Minister of Yorke." See resolves, 1700-1, chapter 22.

Chap. 18. This chapter is from archives, vol. 20, p. 82. It is recorded in council records, vol. VII., p. 297. See chapter 21, *infra*, and note.

Chap. 19. This chapter is from archives, vol. 70, p. 571. It is recorded in council records, vol. VII., p. 298. See resolves, 1699-1700, chapter 21, and 1701-2, chapter 90, and notes thereto.

This chapter originated in the Council on the twenty-second of June, when it was passed and sent down to the House, for concurrence. It was concurred in, and signed by the Governor, the next day.

Chap. 20. This chapter is from council records, vol. VII., p. 300. It has not been found in the archives.

The order in Council§ for the payment of this allowance was passed November 5, 1702, and the province treasurer's accounts|| contain an entry in which the amount is charged as paid to the Governor.

Chap. 21. This chapter is from council records, vol. VII., p. 300, and archives, vol. 20, p. 83.

* Executive Records of the Council, vol. 3, p. 363.

† Mass. Archives, vol. 122, p. 201.

‡ Executive Records of the Council, vol. 3, p. 436.

§ *Ibid.*, p. 383.

|| Mass. Archives, vol. 122, p. 191.

On the twenty-fourth of June, Samuel Sewall, chairman of the joint committee appointed by chapter 18, *supra*, “reported that the said Committees had agreed upon a Draught which he read in his Place, and then laid it down on the Table.”* From an entry in Sewall’s Diary† it would seem that this draught was signed twice; first, on the twenty-seventh, and again on the thirtieth. The five councillors who did not sign this effusive expression of gratitude to the Queen, for the appointment of Dudley, were Wait Winthrop, Samuel Sewall, John Phillips, John Higginson and Benjamin Browne. Sewall refused to sign both times.

Chap. 22. This chapter is from archives, vol. 101, p. 223. It is recorded in council records, vol. VII., p. 300.

The order in Council‡ for the payment of this allowance was passed August 13, 1702, and the payment thereof to himself, as treasurer, is charged, by Taylor, in his account.§

Chap. 23. This chapter is from council records, vol. VII., p. 301. It has not been found in the archives.

Chap. 24. This chapter is from archives, vol. 3, p. 402. It is recorded in council records, vol. VII., p. 304.

The resolve referred to in the preamble to this chapter as passed by the Council was as follows:—

“In Council. — June. 24th 1702./.

Resolved, That a Committee of the Board be appointed to joine with a Committee of the Representatives to consider of that Clause in his Excellencies Speech, referring to a Fortification to be erected at or near Pemaquid And that that House first name their Committee.

Sent down for concurrence./.

ISA^d ADDINGTON Sec^y.”—*Mass.*

Archives, vol. 70, p. 572.

In the original draught of the vote appointing the committee there was no clause designating Hathorne as chairman and authorizing him to call a meeting of the committee.

The following is the portion of Governor Dudley’s speech relating to the erection of a fortification at or near Pemaquid:—

“June 16, 1702. . . . I must acquaint you, Gentlemen, That the long troubles the French King has given to all his neighbours, are not yet ended; nor any Treaties So far Capable to retain him within Bounds; but that her Majesty is in honour Obligated to Support her Neighbours from his Insults, and we may expect every Day to hear of a Direct War which will involve us into our Usual Troubles with the French and Indians; for the Support of which I must desire you to take care that there be a Supply of Men, and Money

I very well Know that the Inland parts Our Frontiers ly long and very much exposed to their Insults and how impossible it is to raise much less to Support, and Keep up so much force as is Necessary to make every small Settlement Safe but so much must be done as is within our Power for the Honour, of the Crown, and Security of every Part of the Government; And that will move her Majesty to Support us in the rest. And here particularly I must recommend to You the resetting the Fort at Pemaquid or at least a Fortification in that part near that place if that be thought Improper . . .”—*Council Records, vol. VII., p. 291.*

This recommendation was made in compliance with the following article (being the fifty-first) of the Governor’s instructions from the crown:—

“To press the Assembly vigorously to exert themselves to fortify the Province, especially Pemaquid ‘which they too easily suffered to be taken and demolished by the French during the late War;’” etc.—“*New England, Board of Trade,*” vol. 33, pp. 30–60, in *Public Record Office.*

See chapters 56 and 67, *post*, and notes.

Chap. 25. This chapter is from council records, vol. VII., p. 305. It has not been found in the archives.

The order in Council‡ for the payment of this allowance was passed August 13, 1702, and, by the province treasurer’s accounts,|| it appears to have been duly paid.

Chap. 26. This chapter is from council records, vol. VII., p. 306. It has not been found in the archives.

The order in Council‡ for the payment of this allowance was passed August 13, 1702, and, by the province treasurer’s accounts,|| it appears to have been duly paid.

Chap. 27. This chapter is from archives, vol. 11, p. 163. It is recorded in council records, vol. VII., p. 306.

The order in Council¶ for the payment of this allowance was passed May 1, 1703, and the province treasurer’s account, from May 27, 1702, to May 26, 1703, contains the following item:—

“Paid Mr Joseph Smith Chaplain to the Garrison att Brookfield Allowed
by the General Assembly 20 “—“—.”
—*Mass. Archives, vol. 122, p. 167.*

* Council Records, vol. VII., p. 299.

† Vol. II., p. 59.

‡ Executive Records of the Council, vol. 3, p. 363.

§ *Mass. Archives*, vol. 122, p. 165.

|| *Ibid.*, p. 166.

¶ Executive Records of the Council, vol. 3, p. 436.

Chap. 28. This chapter is from council records, vol. VII., p. 306. It has not been found in the archives.

The committee mentioned in the preamble to this chapter was appointed by chapter 3, *ante*. Their report was as follows:—

“We whose names are vnderwritten being apointed by the Generall Court to inquire into the quantitie & quality of the publike stores of powder in this prouince, doe find the quantitie to be two hundred & nine barells & a halfe besides what is now in the Castle; & doe find for the quality that ther is twenty seauen barells & a halfe of powder of the last purchas that is not fit for service which are marked P. S.* and are set by themselves in the sconce. besides generall barells in each parcell that is but meane haueing opned all the Barrells and diligently veiued & handled y^e powder

Boston; June, 18. 1702
Archives, vol. 70, p. 570.

SAM SEWALL, *by* order of the Comittees.” — *Mass.*

This report was read, first, in the House, on the eighteenth of June, and sent to the Council, where it was read the next day and an order passed “That the said report be read again to Morrow Morning And that Capt Timothy Clarke, and any others that can Say any thing relating thereto be Summoned to Attend.”†

On the twentieth the subject was postponed to the twenty-third, when the hearing was begun. On the twenty-seventh the order which constitutes this chapter was passed, and signed by the Governor.

On the thirteenth of August, 1702, an order was passed in Council for sundry payments from the province treasury, including the following:—

“To Peter Sergeant Esq^{re} the sum of eighty four pounds over and above the Four hundred pounds formerly Ordered him in full for sixty barrels and a halfe of Gunpowder bought of him.” — *Executive Records of the Council*, vol. 3, p. 363.

On the twentieth of December, 1703, another order was passed in Council,‡ for paying to him “Twenty eight pounds, eight shillings and one penny halfe penny in full of Interest of Four hundred Eighty four pounds, which the Province was indebted to him, for sixty barrels and a halfe of Gunpowder for the publick stores, for which the General Assembly ordered, that he be allowed interest until he should be paid.”

In the province treasurer’s account, from May 26, 1703, to May 31, 1704, occurs the following entry:—

“Paid Peter Sergeant Esqr y^e remaynder of what is due for Powder
bought formerly & what is due for Interest Allowed by y^e General
Assembly 112 „ 8 „ 1.”
— *Mass. Archives*, vol. 122, p. 201.

Chap. 29. This chapter is from archives, vol. 101, p. 226. It is recorded in council records, vol. VII., p. 307.

In the fourth session of the Legislature of 1701, Usher “presented a Petition referring to his Accompts as Treasurer in the time of Sr Edmund Andros’s Government, and the payment of what is due to him for Ballance, with an Answer to Some Exceptions made thereto by the Committee Appointed to Examine said Accompts.”§

This petition was read in the Council and sent to the representatives, but no further action upon it has been discovered.

In the first session of the present year, David Jeffries of Boston, in behalf of Usher, presented the following petition:—

“To his Ex^{ty} Joseph Dudley Esq[;] Her Mat^{ys} Captain General and Governour in chief in and over Her Mat^{ys} Province of the Massachusetts Bay in New England, and to the Hon^{ble} Council and Representatives of the s^d Province in General Court assembled—

The Petition of David Jefferies of Boston Merch^t as Attonrney and on behalfe of John Usher Esq[;]

Sheweth

That the s^d John Usher being Treasurer of y^e Territory and Dominion of New England, during the Government of Sr Edmund Andros until the Revolution in that Territory, Did advance and pay for publick uses several sum^s of money more than what did come into the Treasury, the Accompt whereof his late Mat^y was pleased to refer to the Examination of the Governour & Council of this Province, with direction that payment should be made unto the s^d John Usher of so much as should appear to be due to him for Balance thereof as appear by his late Mat^{ys} Letter, dated Whitehall 12th October 1691. reference thereto being had, Whereupon a Comittees was appointed for Examination of the s^d Accompts, whose report dated 31st December 1692 under their hands, mentions the sum^m of Eight hundred fifty one pounds two shillings and ten pence to be due unto the s^d John Usher, Notwithstanding which report he could obtain no order for paym^t of y^e same.

That upon application again to the King there was another Order to the Governm^t dated 26th October 1694 to cause satisfaction to be made to the s^d John Usher, or to return Reasons for not complying with s^d Order, as by the same, reference thereto being had, more amply appears.

That, A Committee thereupon appointed, examined the s^d Ushers Accompts and made some Exceptions, To which he exhibited his answer, nevertheless could not yet obtain an order to the Treasurer for payment of the s^d money due to him. Whereupon the s^d John Usher again made Application to the King that due care might be taken for payment thereof, And, his Mat^y having had the Exceptions to s^d Ushers Accompts & his Answer, was pleased to give Orders and Instructions to the Earl of Bellomont that due care might be taken for payment of the s^d Ballance

* *I. e.*, Peter Sergeant.

† Council Records, vol. VII., p. 295.

‡ Executive Records of the Council, vol. 3, p. 593.

§ October 15, 1701. Council Records, vol. VII., p. 248.

That in June 1700. A Committee was appointed by the Earl of Bellomont, Council and Assembly for examining the s^d Ushers Accompts, and to make report, which Comitteee omitting so to do the Earl of Bellomont could not make report to the King pursuant to s^d Orders & Instructions unto him given

So that the s^d John Usher hath been kept out of the s^d sum of Eight hundred fifty one pounds two shillings and ten pence above twelve yeares and besides that sum the s^d John Usher hath paid the sum of One hundred eighty seven pounds fifteen shillings and five pence several years since, after his arrival from England, for part of which he was imprisoned, notwithstanding the Kings protection so that in all there is due unto the s^d John Usher One thousand five hundred forty eight pounds eighteen shillings & 3^d Besides the Interest for the same, from the time of his being kept out thereof,

That the s^d John Usher, notwithstanding his repeated Applications to the Governmt as also to the Comitteee for receiving of Claims of debts contracted in the time of S^r Edmund Andros his Governmt & for granting Debentures thereon, hath not yet obtained an order for payment of one penny of the money due unto him as aforesaid.

Your Petitioner doth therefore in the behalfe of the s^d John Usher humbly pray your Excy and honours to take the premisses into consideration, and to order payment to be made unto him of what is due to him as afores^d or to give the Reasons for not complying with the Kings orders respecting the same —

And your Petitioner shall ever pray &c

DAVID JEFFRIES." — *Mass.*

Archives, vol. 101, p. 224.

This petition was read in the Council June 26, 1702, and on the next day the first part of the resolve which constitutes this chapter was passed. The subsequent steps in the passage of the resolve are shown on its face.

The committee which the petitioner alleges was appointed in June, 1700, was, doubtless, the committee which had been previously appointed to consider the accounts of Sir Edmund Andros. By the resolve of 1700-1, chapter 47, Usher's accounts were also referred to that committee. See the note to that chapter.

The committee appointed by this chapter appear to have proceeded to discharge their duty without delay. On the nineteenth of August the chairman of the committee received certain papers in Usher's behalf, of which the following is a list: —

"List of Papers received from Elisha Cooke Esqr & Edw^d Turfrey, the 19th of August 1702. and on the same day by him delivered to Samuel Sewall Esqr.

Vizt.

John Usher Esqr his Accompt of sundry disbursements (not charged in his accompt as Treasurer) amounting to £187 „ 15 „ 5. —

The particular accounts of Seth Perry &c. upon which the s^d sum of £187 „ 15 „ 5 arises Copy of a Minute of Council for S^r Edm^d Andros's Salary.

S^r Edmund Andros's original order to pay M^r Blathwayt 5 ^p Cent.

Report of W^m Stoughton, W. Winthrop. S. Shrimpton & Peter Sergeant Esqrs upon M^r Ushers accounts dated the 31st of December 1692. (Sign'd by s^d Comitt^{ee}) and annexed thereto. Exceptions of the Gov^r & Council against several Articles in s^d Ushers accounts.

M^r Ushers Answer to y^e Exceptions against his Accompts

Report of J. Russell. El: Cooke, El: Hutchinson and John Foster Esqrs upon s^d Ushers Accompts presented the 25th of March 1695. (signed by s^d Committee)

Return of the Lt Gov^r & Council to y^e King upon examinacōn of s^d Ushers Accompts. in July 1695.

Mr Ushers Petition to the Earle of Bellomont &c in June 1700." — *Ibid.*, p. 227.

On the nineteenth of November the Council substituted Nathaniel Thomas and John Appleton, for Sergeant and Walley, on this committee, but the House does not appear to have been asked to concur in this change. On the twenty-first, the order appointing this committee was revived and continued, Eliakim Hutchinson being substituted for Sergeant. See chapter 70, *post*, and note.

Chap. 30. This chapter is from council records, vol. VII., p. 312. It has not been found in the archives.

The report of the joint committee appointed by virtue of this chapter, was read, first, in the Council, on the nineteenth of November, and was as follows: —

"The Report of the Comitty appointed to Consider of the Petition of the Justices of the County of Suffolk

(1) That a bill be brought in for the Repealing of the Last parragraf or Clause in an act made and past by the Great and Gen^l Court or assembly In the year 1700 Intituled an act for Rendering an acco^{tt} of fines &c

(2) That In stead thereof It be enacted that all and every Just of the Peace att Each Quarter sessions to be holden for each county Respectively within this Province Render an acco^{tt} of all fines amersments and forfeitures Imposed sett hapened or falen before such Just or Justices out of sessions due and belonging to her Maj^{ty} or by Law particularly applyed to the use of such county, and shall cause the clerk of the Peace to enter the same on Record, And that the s^d clerks Respectively shall make and Deliver a pfect estreat of all such fines together with the other fines arising In the same sessions unto the sheriff of the county as by the Law is provided, And also deliver unto the Treasurer or Receiver Gen^l of this Province & County Treasurer Respectively unto whome such fines doth belong a pfect schedule of all such estreats by him delivered to the sheriff And that out of such fines belonging to her Maj^{ty} as well as any other arising out of the sessions of the peace, the Justices shall be paid for their setting in sessions.

& be it further enacted. &c

That Each Justice of Peace within this Prouinee before whom any p^rson shall be convicted of any fines forfittures or amercments belonging to any Town or the Poor thereof

shall within three month time or oftener from time to time Render to such Town Treasurer a perfect list or estreat of the same.

& that each Justice of Peace in all Criminall Casses Tryed & Determined before him shall haue like fees as by law he may take for the Tryall of Ciuill actions

NATHANIEL THOMAS in behalf of the Co[m]mittee." — *Mass.*

Archives, vol. 40, p. 749.

The "two first articles" of this report were forthwith approved by vote of the Council, and the vote sent to the representatives, for concurrence; and, on the same day, the House voted as follows: —

"Pass'd a Concurrence to the Two first Paragraphs, and third also."*

No further action upon the above-named petition has been discovered.

Chap. 32. This chapter is from council records, vol. VII., p. 315, and archives, vol. 70, p. 583.

The petition referred to in the preamble to this chapter was as follows: —

"To his Excellency Joseph Dudley Esqr Capt Gen^l and Governor in Chief in and over her Majesties Province of the Massachusetts Bay in New England. & To the Honourable Council and Representatives of y^e said province In Court assembled.

The humble Petition of Enoch Lawrence

Humbly Sheweth That your petitioner is a very poor man and by reason of wounds in his hand, recieved in a fight with the Indians in the former indian War is almost wholly disenabled from following his dayly Labour upon which he depends for a Livelyhood both for himself and his family.

Yo^r Petition^r therefore prays That he may have Freedome from Taxes, and something allowed him for a maintainance granted by yo^r Excellency and this honour^{ble} Court

And yo^r Petition^r shall ever pray &c

ENOCH LAWRENCE." — *Mass.*

Archives, vol. 70, p. 583.

This petition was read in Council on the sixteenth of October, and sent to the House of Representatives, where, on the next day, the resolve constituting this chapter was passed, which, being sent up to the Council, was concurred in, and consented to by the Governor.

Chap. 33. This chapter is from council records, vol. VII., p. 316. It is preserved in archives, vol. 11, p. 169.

Chap. 34. This chapter is from council records, vol. VII., p. 317, and archives, vol. 70, p. 590.

Colonel Römer's impatience under the legislation which deprived him of absolute and entire control of the work of rebuilding and enlarging the fortifications on Castle Island had again manifested itself in a memorial, which, on the sixth of June, he addressed to, and laid before, the Council, as follows: —

"To the Hon^{ble} her Maj^{ty} Council of the Province of y^e Massachusetts Bay in New England —

The Memoriall of Coll. W W^m Romer her Maj^{ty} Chief Engineer for the Continent of America

Humbly Offereth

1) That y^e sd Coll Romer & the Committe. for the fortifications on Castle Island may have power to pick out such & so many men from the Garrison there as they shall have oocation for for the furnishing sd ffortifications to be wholly under their Command as it was last Year.

2) That their Wages may be appoynted for which they shall be obliged to Work.

3) Whereas I understand the best of y^e Men are now & then discharged & worse come in their Room, whereupon many amongst them will not engage in any peice of work in hopes of being Cleared & discharged; that a Stop may be put to a thing of Such dangerous & pernicious Consequence.

4) That the sd Coll Romer may have y^e Same power & Authority as he had last Year to Command all y^e Labourers & workmen there, those pickt out of y^e Garison abone sd & others & in case of their misdemeanour to punish them according to their deserts & that y^e Same power may be given unto y^e Co[m]mitte when he is gon from hence; & further that none of y^e workmen, Laboures, or Soldiers abouemention'd may Stir off y^e Castle Island, without his or their Leave.

5) That Orders may be given to the Commanding Officer or officers of sd Castle to pay their obedience to y^e Orders of y^e Government abouemention'd & to assist y^e sd Coll & Co[m]mittee in the execution thereof for the good of y^e works.

6) That a Warrant may be forthwith issued for the Impressing of Such workmen & materialls &c as there may be oocation for from time to time.

7 In as much as my Stay here will be very Short being obliged to meet my L^d Cornberry at Albany the 25 of this month & consequently I shall not be able to Stay till the works are finished, I think it of absolute necessity for the well finshing of them, & pray that nothing may be done there without my particuler Order & Directions, & that those Instructions I shall leave wth y^e Co[m]mitte may be punctually observed in every part of them according to the Measure & form of my Draughts, whith out which I shall not be in any measure responsible but must declare my protest against any notions to the Contrary be they what they will.

8) Lastly to conclude that your honors will be pleased to take this my Memoriall into your serious consideration & that what is therein Contained for the advantage of y^e works may be forthwith Ordered & put into execution & I shall ever Remaine as I allways have been with all due Respects

y^r hon^{rs} Most humble Serv^{tt}

WOLFGANG W RÖMER." — *Mass.*

Archives, vol. 70, p. 564.

* *Mass. Archives, vol. 40, p. 749.*

No action seems to have been taken upon this memorial until after the arrival of Dudley. The Governor was not disposed to ignore the committee appointed to order, direct and manage the laying out of the money for that work,* and so, on the fourth of July, seeing the need of more workmen at the Island, he issued the following warrant for impressing a sufficient force:—

“Joseph Dudley Esq^r Captain General and Governour in chief in & over her Mat^ys Province of y^e Massachusetts Bay in New Engl^d

To the sheriffs of the County of Suffolke and Midd^x their Und^r Sheriffs or deputys and Constables of the Town of Boston and Charles towne, or to any or either of them Greeting.

Whereas Mr Thomas Brattle Cap^t Timothy Clarke and the Captain of y^e Castle for the time being are appointed by the Great and General Court or Assembly a Committee to Order, direct and Manage the laying out the money granted by the same towards fortifying Castle Island, and to give order & Direction for the reparation or new making of Fortifications on s^d Island—And it being necessary, for her Mat^ys Service and the security of this Province, that the workes and repairs doing and to be done at s^d Castle Island be carried on and performed with all possible speed and diligence.—

These are therefore in her Mat^ys name to authorize and require you or any of you from time to time to impress such and so many workmen or materials as the s^d Committee or any of them shall mforme you are wanted and necessary for the Speedy repairing and makeing such new Fortifications at s^d Castle Island as they shall order and direct to be there done and made, they paying such Workmen for their labour & for such materials what may be The Value thereof and according to the usual and accustomed rates and prices here given for the like.

Given under my hand and Seal at Armes at Boston the fourth day of July 1702. In the first year of her Mat^ys Reign —
J DUDLEY.”—*Ibid.*, p. 600.

Between four and five months after his first memorial, Römer prepared another memorial, addressed to the whole Court, as follows:—

“To his Excell^y Joseph Dudley Esq^r Cap^t General and Governo^r in Chief in and over the Provinces of the Massachusetts Bay and New Hampshire in New England now in Council and To the Hon^{ble} House of Representatives now conven^d—

The humble Memorial of Col: Wolfgang William Römer

Whereas the Mem^o was sent into these parts of America by his late Maj^{ty}: King William of blessed memory with Special Orders to Erect all such Fortifications as were found needfull and Convenient within the Respective Governments under the Administration of the late Earl of Bellomont; and Since his decease he received new Orders from the late Lieu^t: Governo^r: Stoughton to regulate and Erect the Fortifications on Castle-Island, and continued with all Care and diligence in performing the same by the said Order for the Space of twelve Months; and hath by yo^r Excell^{cies} Order continued on said works in Order to finishing now five Months.

And for as much as yo^r Excell^{cies} Mem^o: hath in time past labour’d under great difficulties and hardships in and about the Erecting and perfecting the above said Works; He is now made more uneasy than formerly by the Insolent and rude behaviour of Cap^t Clarke towards him, who makes it his daily business to render him uncapable to finish what he has begun, and hitherto carried on, on said Island. Insomuch that he does not Spare to tell the Workmen Employed That if they do follow his Directions and work on such Places as he gives Order, they must expect their Payment of him, for that he will not pay them one farthing. Which Practices (among others) of said Cap^t Clarke’s doth greatly discourage the Mem^o and his Design therein can be for no other end then thereby to strike att his Reputation and undervalue his Judgment.

Yo^r Excell^{cies} Mem^o therefore humbly Prays That he may for the future be Supported and maintained in his Post free from the Insolent behaviour of said Clarke in Order to finishing the said Works undisturb’d without the like Contradictions from Clarke aforementioned; or any other ignorant pretenders who are subject very often to prescribe Rules, and give Dictates in matters they are wholly Ignorant off./

Gentlemen of the House of Representatives.

It is not unknown to this Hon^{ble} House with what Difficulties and hardships I have labour’d Since the first begining of my Works on Castle-Island ffortifications; and Sundry of you know what rude Treatment I have undergone and suffered from the unreasonable and unexperienced Masons Employed on said Works—and Whereas the said Works are now brought near a Conclusion I shall humbly pray That a Comittee may be appointed now as was done last Year. That you may be Sensible how the Country’s Money is there Expended. Mr Brattles Accounts will in part shew it, and I humbly desire the House to Order the said Mr Brattle to lay before you his said Accounts in some reasonable time before you Rise That seasonable Resolutions may be taken by you in Order to the appointment of a Comittee to lay before you what will be farther wanting in Order to the finishing the sd ffortifications. and That Col: Römer the Mem^o may be called before the s^d Comittee in Order to lay before them in a proper manner what is requisite in the Premisses.

WOLFGANG WIL^m RÖMER.”—*Ibid.*, p. 590.

This memorial was read in the Council on the twenty-first of October, when the order which constitutes this chapter was passed, sent down to the House, and there passed, in concurrence. The Governor, on the twenty-fourth, adjourned the Council to the twenty-eighth. On the twenty-sixth he set out for Dunstable, with some members of the Council, to meet a delegation of the Pennecook Indians, and did not return until the twenty-ninth. Meanwhile he sent an express from Concord, again adjourning the Council to the twenty-ninth, when the hearing was again postponed to the thirtieth.

* *Resolves*, 1700-1, chapter 85, and 1701-2, chapter 102, and notes.

The following certificate was filed on the twenty-eighth : —

"These may Certify that we of the Committy appointed by the Great and Genarall Cuort for laying out the mony granted for bulding fortifications on Castell Island and to give ordars and diriektions for the doeing of the same :/ haueing the 6th of this Instant Nigh Completed the Lodgins for the soldyars which his Exelncy some short time before by his letter to vs did diriekt and desyar Might be dun without delay/ beleueing that would shut vp the winters work this yeare, the season : being Past for any heavy brick work —/ we did then at sd Castell Island Confer advise agree and Conclude — to finish the brick Parapitt on the wals of the old Castell which the masons were then att work on : and soe shut vp the masons work for the winter/ being longer then was thought safe to work the last yeare —/ and the ownly Reason why we did not advise with Coll Romar about the same was —/ his nott being thare that day

T BRATTLE.

Witness our hands in Boston this 28th of ocktr- 1702
p. 602.

TIM^o CLARKE." — *Ibid.*,

On the twenty-ninth, Captain Clarke filed his answer to Römer's charges, as follows : —

"To his Exelncy Joseph : Dudley Eqr Captayne Genarall and Govenr in Chieff In and over the Provins of the Massachusets Bay in Newengland Now in Councill and to the honar^l the house of Representatives Now Convend —

Tim^o Clarke his ansvar to Coll Wolfgang Willm^o Romar his memoryall in way of Complaynt agaynst sayd Clark

Humbley Sheweth —

1: That wharas the sayd Coll Romar Complaynes to yor Exellny = and this honared Court of my insolent and Rude behaviour towards him makeing of it my dayly buisness : to Render him vncapable — to finish what he hath begun and hitharto Carried on on Castell Island/ teling the workmen that If thay follow such diriektions — and work on such plasis as he the sd Coll Romar gives ordars thay must Expeekt thare Payment from him/ for yt he will nott Pay them one farthing and that my design : tharin hath bin for Noe other End then tharby to strike att his Reputation and vndarvalue his Judgment/

These things I vttraly deny

2: That I did on the 5th day of this present m^o ocktr as one of the Committy appointed by the great and Genarall Court or assembly for the laying out of the mony granted by the same towards fortifying Castell Island and to give ordars for the Reparations — or making new fortificationes on sd Island —/ forbid mr : Townsin bulding of a Cookrum aCoording to Coll Romars draft given him / by Reson the same Must vnavoydably be taken down the next spring and the sd Townsin teling me that it would take him vp two or three weekes time to doe the same and yt he Could buld such a one of the same demtion = as I then prescribd to him in two or thre days which would ansvar the End for what it was designed — / and that I did Sattarday following being the 10th Instant Refues to Consent or give ordars for the bulding a stone wall with lime mortar in the Norwest flanker on the north battery which Coll Romar would haue had dun Contrary to the oppinnion : and Judgment of sobar knowing workmen — well aquaynted with the nature of the frosts in this Cuntrey and Contrary to what the sd Coll Romar and my selfe had agreed on : the day before viz^t that the sd wall should not be built this yeare for sundrey good Resons then given for the same / and farther that I did forbid the masons to leaue of thare work : to goe to work on the stone wall teling them if : thay did I would not Pay them one farthing for itt the sd workmen being imprest by your Exelly^s Warrant for the makeing such New fortificationes &c on Castell Island as the sd Committy : should ordar and direekt thare to be dun —/ and farther that I did ordar the sayd masons to Continue working on the brick Parapitt then by them bulding on the south side of the old Castell which the sd Committy had fore dayes before agreed that the sayd brickwork should be finished and then to shut vp the Masons work for this winter for good Resons then lying before them — Though Coll Romar would haue the workmen leaue of workin on the brick work and and* procede on the stone wall before mentioned / all these things I owne and that the sd Committy had good Power and authority soe to doe I am Ready to Produce —/ and that what the Committy hath dun as before is : for the good of the workes and saueing the Cuntreys mony I shall Indeaver to Proue —

Boston : ocktr 29th 1702

TIM^o CLARKE." — *Ibid.*, p. 594.

The hearing proceeded according to the last appointment, as appears by the following entry : —

"Oct. 30, 1702. This day being Appointed for a hearing of Coll^o Romer, & Capt Timothy Clarke upon the Memorial or Complaint presented by the said Coll^o Romer against the said Clarke The Representatives, were Sent unto, And Mr Speaker, and the House being Accordingly ready the said hearing was attended this Afternoon before the whole Court." — *Council Records*, vol. VII., p. 324.

What was the immediate result of this hearing does not appear. It is certain, however, that though, during this session, both members of the committee were rewarded for their service, the Council, during the session of the next Assembly, advised that Captain Clarke be dismissed, that Col. Römer be encouraged to take the whole direction of the work, and that Brattle "continue to undertake the service for providing materials and necessaries for the works," to which the House yielded a reluctant assent. See resolves, 1702-3, chapter 15, and note.

Chap. 36. This chapter is from council records, vol. VII., p. 320, and archives, vol. 17, p. 87.

The petition mentioned in the preamble to this chapter was ns follows : —

"To, his Excell^y; the Governour The Hon^{ble} Council & Representatives in Gen^{rl}; Court Assembled.—

The Humble Petition of Martha Dady of Charlstown Widow

Sheweth

That Whereas William Dady late of Charlstown Deceased about twenty years Since made his Will, & disposed of his Estate to his Children Viz^t; a Son & a Daughter, after y^e Decease of his Widow y^{or} poor Petitioner; Leaving y^e Improvment of his Estate for y^e Support of y^{or} s^d: Petitioner during her Natural life, It So happening that the s^d: Estate lyeth in two Messuages or Small Tenements in Charlstown & Some few Small lots of outlands w^{ch}: the Testator Impowered his Execut^{rs} to Sell, & have been Sold to pay Debts &c the Income of s^d: Estate is in no wise nor hath been of late years in any measure Sufficient to Support your Petitioner; The s^d: Messuages being now also much out of Repair, Y^{or} poor Petitioner; is reduced to extream poverty & distress, She haveing made applycation to y^e: Inferiour Courts for Releife, She hath been Informed y^t: they are altoget^r; uncapable of affording any to her.—

Wherefore y^{or} poor Petitioner; flyeth to this Great & Hon^{ble}; Court for help; And prays that you will be pleased to take y^e: poor & destitute Condi^{ti}on of y^e Widow into y^{or}; most Serious consideration, And cause it to be Enacted y^t: She may be Enabled, or Some meet Person may be Enabled to Sell Some part of y^e: Estate afore s^d; that y^e: Remaind^r; may be made profitable to your Petitioner; & y^t: She may be Supported & Sustained the Residue of her life, And y^{or}: Petitioner; as in duty bound Shall Ever Pray &ca

MARTHA DADY."—*Mass.*

Archives, vol. 17, p. 87.

This petition was read, first, in the House, on the twentieth of October. It was read again on the twenty-first, when the vote which constitutes this chapter was passed and sent to the Council, for concurrence. It was concurred in and consented to on the twenty-fourth.

Chap. 37. This chapter is from archives, vol. 3, p. 99. It is recorded in council records, vol. VII., p. 321.

The following is the account of charges referred to in the preamble to this chapter:—

"An Accompt of Disburstmts & charges of hire of men, Indians horses Provisions &c^t On a journey to Connecticut in Order for the settleing the line of the Bounds between the Collony of Connecticut and this Province May 6th 1702

| | |
|--|------------|
| Paid two men y ^t came from Wrentham to goe along with y ^e Indians | 0 . 6 . — |
| Paid for ferradge of y ^e horse & keeping one night | 0 . 3 . 6 |
| Paid for Bisket 3/ 15 ^d 1/2 bacon 8/6 Neates Tonges 8/ Sugar 2/ greater Tind Pott 2/ lock 6 ^d mending a Port Mantle &c ^t | 1 . 4 . 8 |
| Paid the Two English men & Indians at Several times being deducted out of their wages | 5 . 19 . 9 |
| Paid our Part of £35 . 15 . — being disburstments in our journey from Boston to Hartford £15 . 8 . 10 being the sum Allowed by y ^e Connecticut Gentlemen | 20 . 6 . 2 |
| Paid John Graves of Hartford for pasturing horses | 1 . 9 . 6 |
| Paid ferradge comeing over Connecticut river | 1 . 2 . — |
| Paid for Lodging victualing &c ^t at Wendham | 1 . 11 . — |
| Paid two Pilots 3/ Paid at Plainfield 9/4 | 1 . 12 . 4 |
| Paid Lt Ware as p his note 11/3 ^d Paid at Providence 2/ | 1 . 16 . 3 |
| Paid att Rehoboth 2/6 ^d at Billings 3/8 at Dedham 6 ^d | 1 . 6 . 8 |
| Paid charges from Providence to Boston for 3 men & horses, We lodg'd at Fennors 0 . 9 . 0 Att Turpins we Lodg'd two nights & a day by reason of y ^e Rain 0 . 16 . 10. at Fremans 0 . 5/ att Woodcocks 2/ at Billings 1/6 ^d at Whites 6/ at Dedham 3/ | 2 . 3 . 4 |
| | 33 . 1 . 2 |

The £25 . . . — carried wth us was Allowed in the last Accompt of Disburstments

| | |
|---|-------------|
| Remaynes | 8 . 1 . 2 |
| Paid the 4. Indians in full of their wages | 3 . 14 . 3 |
| Paid Lt Ware for his service & horse 30. dayes & for Sam ^l Fisher in full his Wages &c ^t as p acco ^t | 6 . 11 . 9 |
| Paid Lt Ware in full for y ^e wages of y ^e men y ^t went w th y ^e Indians & their horses as p rect | 5 . 13 . 9 |
| Paid James Taylor Junr 31. dayes at 3/6 ^d | 5 . 8 . 6 |
| Paid William Griles as p his note | 6 . 11 . 6 |
| Paid Thomas Child painter as p his note | 2 . 8 . — |
| Paid Samuel Clough as p his note | 2 . 7 . — |
| Paid Joseph Halsey as p note | 1 . . . 6 |
| Paid Samuel Wentworth as p note | 3 . 1 . 4 |
| Paid Adino Bulfinch as p note | 3 . 13 . 6 |
| Paid Josiah Byles as p note | 3 . 2 . 9 |
| Paid for hire of three horses for my Selfe & Attendance 32. dayes each at 1/6 ^d p day | 7 . 4 . — |
| Paid for a Skin of Leather 3/ a line 2/ | 2 . 5 . — |
| Paid for a Copper plate for to find y ^e variation | 2 . . . — |
| Paid W ^m Southmaid freight of y ^e quadrant instrumts &c ^t from Hartford to Boston | 1 . . . — |
| For my service in y ^e journey 29. dayes at 10/ p day | 14 . 10 . — |

£74 . 13 . —

For my extraordinary paines & Service for y^e Space of one year & halfe at times for y^e preparing & fitting y^e Quadrant & making experiments untill its brought to y^t perfection as it is, w^{ch} is left to consideration

JAM^s TAYLOR.” — *Mass.*

Archives, vol. 3, p. 99.

The items of the commissioners’ part of the expenses of the journey to Hartford, the total of which is given in the foregoing account, were as follows : —

| | | | |
|--|-----|----|----|
| “Accompt of Disburstments on a journey from Boston to Hartford part of w ^{ch} being allowed by the Connecticott Gentlem ⁿ , May 6 th 1702 | li | s | d |
| Paid to Fieber at Dedham | .. | 4 | 6 |
| Paid Weelock at Medfeild | .. | 1 | 6 |
| Paid Lt Ware at Wrentham | 3 | 8 | — |
| Paid Lt Read at Mendon | 3 | 16 | — |
| Paid at Oxford | 1 | 13 | — |
| Paid for feradge at Aspinall’s | .. | 3 | — |
| Paid at Chandlers att Woodstock | 1 | 11 | — |
| Paid at Wendham | .. | 8 | — |
| Paid ferage over Connect river | .. | 3 | — |
| Paid for pasturing horses | .. | 2 | — |
| Paid ferage to Winsor | .. | 1 | — |
| Paid at Winsor at Severall places | 1 | 8 | — |
| Paid for pasturing horses 1/4 th 1 : quart run 1/6 th | .. | 2 | 10 |
| Paid Capt Whiteing to defrey our charges at Gilbert & Zachary’s at Hartforde | 3 | 8 | 11 |
| Paid Burnam for Pasturing Horses | .. | 6 | 8 |
| Paid M ^{rs} Russell at Hartforde where we lodged | 2 | 11 | — |
| Paid y ^e Ferriman at Hartforde y ^e bridge being broken downe for Horses & Men | .. | 12 | .. |
| Paid for Sugr & Liquor for our journey home | .. | 2 | 9 |
| | 20 | 6 | 2 |
| May 29 th This day made up our accotts of Disburstment’s & by y ^e Connecticott Gentlem ⁿ Accotts amounted to y ^e Sume of | 15 | 8 | 10 |
| | £35 | 15 | — |

Þ JAM^s TAYLOR jun^r

House of Representatives 16 oct^r 1702 Read.” — *Ibid.*, p. 100.

The order in Council* for the payment of this allowance was passed December 4, 1702, and Taylor credited himself with the amount in his account† from May 27, 1702, to May 26, 1703.

Chap. 38. This chapter is from council records, vol. VII., p. 323, and archives, vol. 70, p. 578.

The “allowance formerly made,” mentioned in the preamble to this chapter, was ordered by the Council, as follows : —

“Dec. 29, 1701. Upon reading the Petition of Joseph Beane Interpreter at his Maj^{ty}’s Fort Mary at Saco, praying payment to be made for the cure of his hand being almost wholly shot away in his Maj^{ty}’s service by the breaking of a gun.

Ordered. That a Warrant be made out and issued unto the Treasurer to pay unto the Petitioner the sum of Twenty pounds for defreying the charge of his s^d cure.

And, a Warrant for payment of the same accordingly, being drawn up was signed by all the Members of Council present at the Board.” — *Executive Records of the Council, vol. 3, p. 279.*

The petition was as follows : —

“Pronanc of the Masethuset Bay in New england To His Exelancy Joseph Dudley Esqr Capt Gener^{ll} and Gouenour in Cheefe and the Honnor^{ble} the Counsell and House of Representitiues in Generall Assembly.

The Humble Poticon of Joseph Bane Lingst of her Majestys ffort Mary att Sacoo: shueth and sum of your Honnors I beleve Well Know that your poticonour of Late had his hand Broke into peeces: his thumb and three fingers shoot off by spliting of a Gun: Which was ffiered by ord^r of Capt Turphry to sett the Watch att s^d fforte — Which Wound Was Cured by Corn^{ll} Packer: for: w^{ch} Cure he Recaued of your Potic^{nr} the full sum of Twenty Pounds Money Which Was allowed your Humble Potic^{nr} by The Grate and Gener^{ll} Corte and Paid him out of the Pronanc Treshurey: for Which your Potic^{nr} is Humbly thankfull for: and is herefrom humbly bould to Informe your: Exel^{ce} and Honnors that your Potic^{nr} hath bin fficed to pay to William Partridg Jn^r the full sum of foure pounds ten Shilings Money besids the twenty pounds Abone Mentioned: for victtles and Lodging and attendane in the time of My Lameness: which I thought had bin all sattiefyed before: bnt appeers otherwise: therefore Would Humbly pray Your Exal^{nc} and Honnors to take my sad curcomstances into your serious Considderation: for I am but of Late Released from Eight years Capttivity with y^e: indains: and so sad an acsidant: be follen me in Respect of my hand: Would Humbly pray y^t the foure pounds ten shilings A[†] Mentioned may be allowed and Paid me by the Publik as I was Imedat then in the seruic

and as in duty Bound shall for Euer Pray —
York October y^e 13th 1702
Archives, vol. 70, p. 578. JOSEPH BANE.” — *Mass.*

* Executive Records of the Council, vol. 3, p. 393.
† *Mass. Archives, vol. 122, p. 166.*
‡ *Sic.*

The order in Council* for the payment of this allowance was passed December 4, 1702, and the province treasurer, in his account,† charges the same as paid to Bean.

Chap. 39. This chapter is from council records, vol. VII., p. 324, and archives, vol. 45, p. 286.

The petition mentioned in the preamble to this chapter was as follows:—

“To his Excellency Joseph Dudley Esq; Captain General and Governour in Chief in and over her Matys Province of the Massachusetts Bay in New England and the Honble Council & Representatives of her Matys sd Province convened in General Assembly.

The Petition of John Wilkins of Mount hope cal’d Bristol in the Province abovesaid — Humbly sheweth —

That in the year 1680 John Walley Nathan^l Oliver Nathaniel Byfield & Stephen Burton then all of Boston Merch^{ts} purchased of the Government of the Colony of New Plymouth all that Tract or parcel of Land situate within the sd Colony called and known by the name of Mount hope with the neck thereunto belonging called and known by the name of popasquash neck under certain Conditions mentioned in Articles of Agreement entred into by the said Purchasers with the Co^mittee of ye Government of New-Plymouth afores^d and. That the sd John Walley, Nathaniel Oliver, Nathaniel Byfield and Stephen Burton having purchased the sd Tract of Land as afore mentioned, admitted divers persons to be Partners with them therein, & amongst others your Petitioner for a two and thirtieth part and entred into certain Articles in Order to the Settlement of the sd Neck of Land and for the encouragement of all such persons as they should grant Deeds unto for any part of the sd purchase, wherein it was provided and agreed that there should be laid out one hundred and twenty eight house Lots, with divers other Articles & Covenants. as by the same Articles, (copy whereof is herewith presented) at large appears, of which articles or Covenants have not yet been complied with, nor any due or regular settlement yet made of the sd place (now Called Bristol) nor division of the Lands there so that the particular property and Interest of the several Proprietors is not ascertained, which is likely to prove greatly prejudicial to many that have bought an Interest in the sd Lands, And will be the occasion of ruinous & endless Law Suits, Unless provision be made by this honble Court for the preventing of ye same and the mischievous consequences thereof.

Your Petitioner therefore humbly prays That this honble Court would please to appoint a Committee of suitable persons to make inquiry into the settlem^t of the sd Tract of Land cal’d Mount hope, & how far the first Purchasers thereof have complied with their Articles and Agreem^t And to make report what is necessary to be done for the due and regular settlement of the sd place, and that this honble Court would thereupon make such settlem^t thereof as may be for the peace & quiet of ye Inhabitants of ye same & preventing those mischiefs that are likely to ensue in case such a settlem^t be deferred —

And your Petitioner as in duty bound shall ever pray &c./—

JOHN WILKINS.” — *Mass.*

Archives, vol. 45, p. 286.

This petition was read, first, in the Council, October 20, 1702, and the resolve which constitutes this chapter was passed thereon and sent to the House for concurrence. On the thirtieth the resolve was read in the House, and “ordered a concurrence.”

Chap. 41. This chapter is from archives, vol. 70, p. 582. It is recorded in council records, vol. VII., p. 326.

This chapter was based on the following petition:—

| | |
|---------------------------------------|--|
| “Province of the Massachusetts Bay | To His Excellency the Governour, Council, & Representatives conven’d in Generall Assembly the 15 th of October 1702 — |
|---------------------------------------|--|

The Humble Petition of the Town of Marblehead

Humbly Sheweth.

That whereas By severall Acts of Assembly made in this Province there is to Be Paid By the master of Every ship Or Other Vessell above twelve Tunns coming Into Any Port or Ports of this Province to trade or Traffick The Major Part of the owners whereof are not Belonging To this Province Every such ship or Vessell Doe Pay the summ of 12^d pr Tunn or one pound of Good And New Gun powder for Every Tunn such ship or Vessell Is in Burthen to Be Employed for the supply of His Majestie’s Castle and Fort within this Province.—

. . . & whereas all along till within this Last Year or thereabouts all the Powder money that was from Time to time Collected at Salem and at Marblehead By Virtue of that Act Was Remitted to Boston for The supply of Her Majesty’s Castle and forts there

. . . And whereas The Town of Salem have lately Obtain’d a Grant of all the Powder money that shall arise or Become Due from any ships or Vessells that Come In as well to Marblehead as to Salem, and Apply The same wholly and onely to the Use of said Towne

. . . And whereas there is a Fortification at Marblehead Very Important to this Province, the necessary and ordinary Charge whereof is Very Considerable, and which also Is upon all occasions, obliged to Expend Their stores of Powder and other Ammunition

. . . The Town of Marblehead Dos therefore most Humbly Pray the favour of this Great and Generall Assembly, that If it might Be, all the Powder Money that for the future shall Become Due and Be Collected at Marblehead may Be applied to the Use of Her Majestie’s Fort in said Town

And Your Petitioners as in Duty Bound Shall Ever Pray

EDWARD BRATTLE Representative
for Marblehead In the name of S^d Town.” — *Mass. Archives, vol. 70, p. 581.*

* Executive Records of the Council, vol. 3, p. 395.

† *Mass. Archives, vol. 122, p. 162.*

Chap. 42. This chapter is from council records, vol. VII., p. 326. It has not been found in the archives.

The petition referred to in this chapter has not been discovered. The original grant to Corlet was as follows:—

“Nov. 7, 1668. In ans^r to the peticoⁿ of Mr Eljjah Corlet, the Court having considered of the peticoⁿ, & being informed the petitioner to be very poore, & the country at present having many engagements to sattisfy, judge meete to grant him five hundred acres of land where he can finde it, according to lawe.” — *Mass. Colony Records, vol. IV., part II., p. 406.*

This land, it seems, was located and surveyed by David Fiske in 1684. This location and survey were accepted by the General Court, as appears by the following entry:—

[At a court begun and held May 17, 1684.] “The Court judgeth it meet to allow of the farme of five hundred acres of land, as in the map annext, to Mr Eljjah Corlett, by order of Mrs Margery Flynt, that purchast the same, to whom it was granted, as in the Courts order therevnto affixed.” — *Ibid., vol. V., p. 443.*

The following appears to be Haynes’s perambulation:—

“Layd out In Obedience To y^e Graunt of The honoured General Court five Hundreed acres of Land Vnto Mrs Margery flint Being graunted by: y^e General Court To mr Eljjah Corlet in 1668: Surueid by: m^r David Fisk by order: of MaJor General Daniel Geogins: In the Year 1674. And Preambulated by Dauid Hayns The 13 Sept^r 1701: begining at y^e most South pond at Quausigamog Runing a Line 150 Rods south W by S: from thence runing A Lyne south E by E 450 rods: from thence On a north poynt 162 rods from Thence The Riuer being y^e Bounds To y^e Place where It Began — — There is In y^e Bounds of This farme about 60 or 70 acres of meadow: some Part of This farme is Pine Land: some Oak Land and some Chestnut.” — *Maps and Plans, vol. 3, p. 36.*

The original draught of the resolve which constitutes the present chapter was as follows:—

“Resolved — That the Land Described in the Platt on the other Side, be Allowed and Confirmed as the five Hundred Acres of Land which were Given by the Gen^l Court of the Massachusetts Colony in the Year 1668. to Mr Eljjah Corlett late schoolmaster in Cambridge Provided It doth not Interiere with any former Grant, or Grants of the Gen^l Court.” — *Ibid.*

This resolve was passed in the House of Representatives, June 10, 1702, and ordered to be sent to the Council, for concurrence; but no further action seems to have been taken at that time. On the thirtieth of October the House ordered that this resolve, among others, “be revived and sent up for concurrence.” It was read in the Council, on the second of November, and passed, in concurrence.

Chap. 43. This chapter is from council records, vol. VII., p. 327, and archives, vol. 70, p. 587.

The petition referred to in the preamble to this chapter was as follows:—

“Octobr 20th 1702 The Humble Petⁿ of the Sould^{rs} belonging to her Maj^{ties} Castle To his Excelly the Governour Lievt Gov^r & Hon^{ble} Council & the House of Representatives now Convened in Generall Assembly 15th Octobr 1702
Humbly sheweth

That we yo^r Pet^{rs} are very hardly put to it, for want of Bedding to keep us Warine, Wee find it very Cold already, which moves us to Supplicate yo^r Excelly & Honours in time, the Winter comeing on, It is so hard with us That some of us are forc^d to Lye upon y^e boards. Wee hope yo^r Hon^{rs} Pardon,

And Crave yo^r Hon^{rs} to take our Sufferings into yo^r serious Considerac^{ons} That wee may be able to Accomplish our duty & be a means to p^{re}vent sickness amongst us as wee are in Duty bound shall for Ever Pray &c[?]

JN^o MORS
JOSE: MOSLY
JOSE: WAIGH
DAVID MORS
EDMON HARIS
THOM: DILL
DAN HOAR
JONA: HOAR
PET^r BUTS
ECCAB HOMS
DAN: ROS

HENRY LYON
RICHARD DEMING*
THOMAS STEVENS
JONATHAN MILBOURNE
JAS DUNKIN
SAMUEL GARY
JOSEPH NELEN
JOSIAH BRIDGES
THOMAS RUSSELL
JEAMS ROBIN
JOS: BRUNHOL

THO: MACKALISTER
JN^o HOOPER
NATH: RAYNOLLS
EDMOND WARD
JN^o EVERDON
JOSEPH MERIFILL
JN^o BARR
ELISHA ALLEN
THOMUS PFERMAN
JN^o SWEETING
SAM: STONE.” — *Mass.*

Archives, vol. 70, p. 586.

This petition was read, first, in the Council, on the twentieth of October, and sent to the House, where, on the same day, the resolve which constitutes this chapter was passed, and it was concurred in by the Council on the second of November. On the fifth of November a vote was passed in the Council,† advising and consenting that his excellency issue a warrant to the province treasurer, “forthwith to procure & provide” the bedding required by this order to be delivered, and to deliver the same to the captain of the Castle, for the use of the garrison, “and to carry the amount of the cost thereof to account of the publick Treasury.”

Chap. 45. This chapter is from council records, vol. VII., p. 332, and archives, vol. 87, p. 24.

* Or, Dowing.

† Executive Records of the Council, vol. 3, p. 383.

The petition mentioned in the preamble to this chapter was as follows:—

“To his Excellency Joseph Dudley Esq; Captain General and Governour in chief in and over Her Matys Province of the Massachusetts Bay in New England—and to the Hon^{ble} Council & Representatives of her Matys s^d Province in General Court assembled—

The Petition of Louis Boucher of Boston Merchant

Humbly Sheweth

That on the tenth day of March last past a Fire broke out in his or the adjoining Warehouse situate in Boston afores^d, in the night, which made such advance before it was discovered, that notwithstanding all possible care and endeavours afterwards used, the s^d Warehouse and Goods therein to the value of several Thousand pounds, as also all your Petitioners Books papers and Accompts, were consumed by the s^d Fire.

Forasmuch therefore as yor Petitioner having for some years past had considerable dealing with divers persons, hath thereby contracted several debts, and hath some Thousands of pounds owing to him in the Province afores^d for accompt of himselfe and of his Friends and Implovers in England—which debts yor Petitioner, by reason of his Books of Accompt and papers being burnt as afores^d, is disabled from recovering by Law from any of his Debtors that may have designs of defrauding him thereof—

Your Petitioner therefore humbly prays That some honest & fit persons may be appointed & fully impowred by this Hon^{ble} Court, to call before them and examin upon Oath such person and persons as having had dealings with & being indebted to your Petr shall refuse to give unto him a fair & satisfactory Accompt thereof, in order to the ascertaining and adjusting the debt or debts from them severally owing to your Petitioner. Or, that your Excellency & Honours will please in such other way and manner as to you shall seem fit & reasonable, to Provide for the relief of your Petitioner in the premisses by enabling him to recover the debts owing him as aforesaid—

And your Petitioner as in duty bound shall ever pray &c—

LOUIS BOUCHER.”—*Mass.*

Archives, vol. 87, p. 24.

This petition was read, first, in the Council, on the third of November, when the resolve which constitutes this chapter was passed thereon and sent to the representatives for concurrence. On the fifth it was passed, in concurrence, by the House and consented to by the Governor.

Chap. 46. This chapter is from council records, vol. VII., p. 332, and archives, vol. 70, p. 591.

The petition mentioned in the preamble to this chapter was as follows:—

“Province of the } To his Excellency the Governour, Council & Representatives
Massachusetts } of Her Matces S^d Province in General Court assembled—

The Humble Petition of John Parke of New-Town in y^e County of Middx within Said Province

Humbly Sheweth,

That whereas yor Petitioner in the Service of the Countrey against the Indian Enemy (Under the Comand of Capt. Richard Beers) in an Ingagement with S^d Enemy Received a Wound in his Elboe whereby his life was greatly Indanger’d & the Joynt of his Elboe wholly Lost—whereby Yor Petitioner is Greatly Debilitated and disabled for Labour whereupon the Maintenance & Linely-hood of himself & his family doth wholly depend, Having no Other Calling but Husbandry, And no help for the Management of that—Yor Petitioner is hereby Greatly Expos’d & needs Relief, And doth therefore (Humbly Confideing in yor Hono^{rs} Compassion) Address this Honorable Court to take into Consideration his Case with the Circumstances thereof, & Extend Such Relief as in Yor Great wisdoms Shall Seem Meet

And Yor Petitioner Shal as he is bound in duty, Ever Pray &c

October 27th 1702

Archives, vol. 70, p. 591.

his
JOHN R PARKE.”—*Mass.*
marke

This petition was read, first, in the House, on the twenty-ninth of October, and referred to a committee. On the next day the resolve which constitutes this chapter was passed and sent to the Council, for concurrence, and on the fifth it was passed, in concurrence, and consented to by the Governor.

The province treasurer’s account,* from May 26, 1703, to May 31, 1704, contains an entry showing that this payment was made.

Chap. 48. This chapter is from council records, vol. VII., p. 334, and archives, vol. 40, p. 768.

For the earlier proceedings in this controversy, see resolves, 1696-7, chapter 10, and note. It was there shown that the parties, Gibson and Gove, were granted a hearing before the General Court, on the twelfth of June, 1696, in which certain testimony was introduced by Gibson. The deposition of Daniel Smith therein mentioned was as follows:—

“Daniel Smith of Charlestown of full age testifieth That he being at the house of Joseph Lynde Esq; the 18th day of March last, there being then an action depending between John Gove and Samuel Gibson both of Cambridge, the Attachment being read, s^d Gibson pleaded Title of Land, and said he had as good a right and title to both Land and wood as him that sued him, and pleaded to the Jurisdiction of the Court, and prayed that the Law page 49 might be read Mr Lynde said he would not read it. S^d Gibson then tooke the Law book and read it, Saying the cause was not tryable before a single Justice by that Law, therefore he would not joyne Issue, neither was he provided, then Mr Danforth gave in the papers to Mr Lynde to be read, s^d Gibson Said he would save them a labour

* *Mass. Archives, vol. 122, p. 192.*

of reading the papers for he would appeale upon the plea that he had made, and before any paper was read laid down 2 shillings upon y^e Table and prayed that his Plea might be entred which was refused, and also produced a Precedent from Boston of the like case, nevertheless the Justice proceeded to read their Evidences and forthwith past sentence of forty shillings and cost. s^d Gibson being the meantime a writing at another Table looking up prayed M^r Lynde to shew him a Law for it, he said he would not, s^d Gibson said he knew he could not, and the appeal was entred from the Judgement. and further add that s^d Gibson at evening desired my selfe and William Cutter to go with him to Justice Lynde house and desired him to enter his Plea of Title of Land, which was refused. Said Gibson, being very urgent M^r Lynde said he should be at the Court and he would own it there.

Daniel Smith sworn and examined upon his Oath in General Court 12. June 1696 — testified the substance of the within written Evidence.

ISA. ADDINGTON Sec^y. — *Mass.*

Archives, vol. 40, p. 762.

What debate ensued upon the hearing has not been ascertained; but it would seem that there was a conflict of opinion between the two branches, and not entire harmony in the House, when, on the fifteenth, the following votes were passed: —

“Voted, That upon the within named Samuel Gibsons Plea of Title of Land being concerned the Writt ought to have abated.

Voted. That the s^d Samuel Gibson was denied An Appeal upon his Plea to the Jurisdiction of the Court

Voted That s^d Gibson be enabled to bring his Case by Writ of Error before the next Superiour Court to be holden for the County of Midd^x and that the damage together with the whole Costs of both the Courts before M^r Justice Lynde & the Inferiour Court of Pleas be determined with the Cause.” — *Ibid.*, p. 765.

These votes were forthwith sent to the Council, for concurrence; but the Council “voted a nonconcurrence,” on the same day.

Upon this disagreement, the House proposed a conference on this and the case of Richardson *vs.* Fowle,* to which the Council agreed, voting that it be had “upon the first Friday of the next sitting of this court.” This was concurred in by the House; but on the day appointed (September 18, 1696), the conference was continued to the thirtieth, and when that day arrived it was again postponed to the second of October, at ten o'clock A.M., at which time the conference was held, but without resulting in an agreement.

No further trace of this controversy in the Legislature has been discovered until the presentation of the following petition in the second session of 1702: —

“Province of the To his Excellency the Governour, Counsell, And Assembly
Massachusetts Bay in Generall Court Conven'd y^e fifteenth Day of October 1702

The Humble Petition of Samuell Gibson of Cambridge

Sheweth

That your Petitioner on y^e 18 Day of March. 1694/5 was Sued before Mr Justice Lynde of Charleston by John Gove of Cambridge in an Action of Trespass upon the Law of this Province against cutting of wood, and Timber in another mans Land and your Petitioner did there Justify the supposed Trespass and plead that the Land upon which the Trees were cut did not belong to the Plant^e but to the Town of Cambridge whereof the Defend^t was an Inhabitant, and Proprietor, and prayed that the matter might not be proceeded upon before his Worsh^p for that the Title of Land was concerned, but Notwithstanding the said Justice proceeded to Give Judgment against your Petitioner for forty shillings damage, and taxed a Bill of Cost at Thirty four shillings wherein he has charged your Petitioner with Excessive Fees from which Judgment your Petitioner appealed to the next Inferiour Court to be holden for y^e County of Midd^x and assigned as the reason of his appeale that the Justice had not Jurisdiction in the Cause because the Title of y^e Land was by your Petitioner's plea brought into Question whereupon the Justices of the Inferiour Court proceeded to Examine the Said matter of y^e Justices Jurisdiction and determined the same against your Petitioner and gave Judgment finally against him that the former Judgm^t should be confirmed. and would not admitt him to plead to y^e merit of y^e matt^r. Now for as much as your Petitioner Conceives y^t y^e proceeding of y^e s^d Justice Lynde was Irregular, and for as much as your Petitioners Plea to his Jurisdiction being overruled at y^e Inferiour Court Judgment ought not to have been given finally and peremptorily but he ought to have been permitted to plead issueably. & your Petitioner has no relief or Remedy in y^e Premises in y^e ordinary course of the Law. He therefore humbly represents the same to your Excellency, and Honours, and prayes your Direction, and assistance therein.

And your Petitioner does further crave leave to represent to your Excellency &c That in y^e year 1696 he did preffer his petition of Greviance to y^e Great, and Generall assembly of this Province, relating to y^e premisses, and the house of Representatives as will appeare by their Journall did resolve that M^r Justice Lynde ought to have abated s^d Goves writt Title of Land being concern'd and pleaded. And also that the s^d Gibson should be enabled to bring his Case by Writt of Error before the next Superiour Court to be holden for y^e County of Midd^x and that y^e Damage together with the whole Costs of both the Courts before M^r Justice Lynde and y^e Inferiour Court of Pleas be Determined with y^e Cause

But nothing was done in Concurance therewith by y^e honourable, y^e Council, and Therefore your Petitioner does once again Renew his petition to this Great, and Generall Assembly for such relief as to their great Wisdome, and Justice shall see meet & to appoint Your Petitioner a Day for Hearing & Proving his Petition —

And your Petitioner as in Duty bound shall ever pray

SAM^{LL} GIBSON.” — *Ibid.*,

p. 767.

* Resolves, 1696-7, chapter 11, and note.

This petition was read, first, in the House, on the twentieth of October. On the twenty-first it was read a second and third time, when the resolve which constitutes this chapter was passed.

By the following entry it appears that it was first read, in the Council, on the twenty-fourth of October, 1702:—

“Oct. 24, 1702. A Petition of Samuel Gibson of Cambridge Complaining of a Mistryal of a Case Sometime Since brought against him by John Gove before Mr Justice Lynde, and removed to the Inferiour Court of Common Pleas within the County of Middlesex, Sent up from the Representatives with the resolve of that House thereupon, That the Petitioner ought to have a hearing before the whole Court, was read and referred to further Consideration.” — *Council Records*, vol. VII., p. 321.

The action of the Council is shown in the foot-note to this chapter. See, further, resolves, 1702-3, chapter 8, and 1703-4, chapters 3, 56 and 63.

Chap. 49. This chapter is from council records, vol. VII, p. 335. It is preserved in archives, vol. 58, p. 235.

The petition upon which this chapter is founded was not printed in the note to the act of June 7, 1698. It was as follows:—

“To his Excellency Joseph Dudgey Esq^r Captaine Generall & Govern^r in Cheife of her Maj^{ties} Province of the Massachusetts Baye &c & to the Honourable the Council & Representatives Conueined in Generall Assembly Octobr 15th 1702:

Whereas by an Act of the Great & Generall Court of this Province, to Prevent Encroachments upon high wayes & streets &c, it is Provided and enacted that henceforth, no Edifice, building or Fence whatsoeuer, shall be Raised, erected, built, or set up, in, upon, or ouer, any of the said Rhoads, highways, streets, lanes, or alleys, in any towne within this Province, or any part of any of them; whereby to streighten the passage, or any wayes Lessen, the full Breadth of any such, Rhoads, highwayes, streets, Lanes or Alleys; &c Provided that this Act shall not be Intended or Construed to intend, the prohibiting of the Seting up of any Conduit watch-house, Cage or stocks, for Publicke use, in, or upon any high way or street &c

It is therefore Humbly moved to this Great & Generall Court for their Resolution; whither the seting up of a Court-house, or school-house in the street, of any Town within this Province where the street is so wide, as to Leave not Less then Twenty five foot Clear for passage on each side of said Edifice; be not allowable within the True meaning & intent of the aboue Recited Act;

NATHAN BYFIELD
EBENEZER BRENTON.” — *Mass.*

Archives, vol. 58, p. 235.

This petition was read, first, in Council, November 4, 1702, and the resolve passed thereupon was sent to the House, for concurrence. In the House the resolve was read a first time, on the fifth, and on the ninth it was passed, in concurrence, and signed by the Governor.

Chap. 50. This chapter is from council records, vol. VII., p. 385, and archives, vol. 62, p. 420.

The petition mentioned in the preamble to this chapter was as follows:—

“To his Ex^{ty} Joseph Dudley Esq^r Captain General and Governour in chief in and over her Majs Province of the Massachusetts Bay in New England and the Hon^{ble} Council and Representatives of the sd Province conuened in General Assembly, Oct^r 1702

The Petition of Epaphras Shrimpton and Samuel Shrimpton of Boston Merch^{ts}
Humbly sheweth

That the Briganteen Weymouth John Rayner Master (of the major part of which your Petitioners were Owners) in the month of January last past, being on her passage from the Bay of Campeachy bound for Boston, was cast on shore upon the Sands lying off y^e Island of Nantucket, and there broken to peeces and lost together with part of the Loading of Loggwood that was on board the Same.

Your Petitioners therefore, on behalfe of themselves and other Owners of the sd Briganteen humbly pray That the Dutys of Impost by Law payable for such part of the sd Briganteens Loading of Loggwood as was Saved, may, on consideration of their Loss afores^d be abated, And that order may be given to y^e Com^{ssioner} for Impost to abate and remit the same accordingly

And your Petitioners, as in duty bound shall ever pray &c

SAM: SHRIMPTON
EPA SHRIMPTON.” — *Mass.*

Archives, vol. 62, p. 419.

This petition was read, first, in the Council, on the third of November, and sent to the House of Representatives, where, on the sixth, the resolve which constitutes this chapter was passed and sent to the Council, for concurrence. On the ninth it was passed, in concurrence, and consented to by the Governor.

Chap. 51. This chapter is from archives, vol. 119, p. 201. It is recorded in council records, vol. VII., p. 336.

Chap. 52. This chapter is from council records, vol. VII., p. 336. It has not been found in the archives. See resolves, 1698, chapter 68, and 1701-2, chapter 12, and notes.

The petition mentioned in the preamble to this chapter has not been found.

The hearing was had on the thirteenth of November, as shown by the following entry:—

“Nov. 13, 1702. The Resolve past by the Board on the 10th Currant for a hearing of Seth Perry, and Sampson Moore upon their Petition for Sale of a House, and Land in Boston formerly Belonging to Ann Sheffield for payment of her Debts; being Concurred

with by the Representatives, and Joseph Holmes who pretends a right to the said house, and Land being Notified to Attend with the Petitioners this Day, They Attended Accordingly; And his Excellency and Council removing down to the Representatives Room, they were there heard before the whole Court

And the said bearing being ended; his Excellency, and the Council returned to their Chamber." — *Council Records*, vol. VII., p. 341.

Chap. 53. This chapter is from council records, vol. VII., p. 336, and archives, vol. 121, p. 110.

The petition mentioned in the preamble to this chapter was as follows: —

"To her maj^{ties} honourable counce^{ll} of the province of the Masathusets bay and Representatives assembled in this presant sessions this 27th day of may 1702 — where as the Great & Generall court at thir sessions the Eightenth day of february Last past, upon a full hearing of the defferance between the towns, of Taunton, Dartmouth, Littell compton, tinerton, and freetown within the county of bristol, in Refferance to the charge of bulding the bridge newly erected ouer taunton Great River &c: it was Resolved that the charge of building said bridge be defrayed the one halfe by the town of taunton, and the other halfe by the aboue named towns of freetown tinertown, Littell compton and dartmouth, &c:

And we the subscribers being the select men of said taunton haue earfulley vewed the aboue said bridge (which Liuetenant Jared Talbut of our town hath built & bin at the whole charge there of) and we find that y^e sd bridge is well built and couered with sawn oak plancks workmanlike, and the sd Jared Talbut hath offen bin with us to pay him or be helpfull to him that he may be paid, and his demand is eighty pounds (and all though we could be glad it weare Less.) yet we cannot say but he honistely deserues his demand, for it is neere twenty pounds Less then y^e first bridge cost, and we are satisfied that not to pay him his demand would be injustice, And now our desire & petition is that this Great and Generall court would take sunn spedy and effectnall care and ordör, that all of said towns be proporshoned, each town it's proper and perticular part of sd charge of eighty pounds, according to sd Resolue, and ordour to said towns forthwith to Raise said mony, and sunn meet person to be appointed a Reeceiuer of y^e same; and to pay the said Liuetenant Jared talbut, that he may no Longer be without his pay, for tis pity any person shuld suffer or be discourigd in seruing the publick, — or to take sunn other method that may seme most meet to this Great and Generall court, And what elce is needfull on our parts we Leane to the management of our Representatiue m^r Robert Crosman &c: which will euer oblige your petitioners to pray &c

JOSEPH WILLIS

EZRA DEAN

THOMAS WILLIAMS. } Select men." — *Mass. Ar-*

chives, vol. 121, p. 110.

This petition was read, first, in the House, on the tenth of June, when the order which constitutes this chapter was passed, and ordered to be sent to the Council, for concurrence. The Council not having acted on this order, it was revived, in the House, on the fifth of November, and again sent to the Council, for concurrence, and on the tenth it was passed, in concurrence, and consented to by the Governor. See resolves, 1701-2, chapter 81.

Chap. 54. This chapter is from archives, vol. 48, p. 353. It is recorded in council records, vol. VII., p. 339.

On the twenty-seventh of June the Governor prorogued the Assembly to the twelfth of August, intending, in the recess, to visit the frontiers of the province. By two subsequent proclamations this prorogation was renewed until the fifteenth of October, when the Governor again met the Assembly, and, after reporting the fact of his having "visited all the frontiers to the eastward as far as Pemaquid," "in obedience to her majesty's commands," and of his "conference with the sachems of those parts," he again earnestly called their attention to the instructions he had received "referring to the building of Pemaquid." To this conference with the Indians he attributed the suspension of hostilities during the time of his absence, which had saved the General Court "the trouble of an earlier meeting" — an inconvenience which, previously, he "was very apprehensive would not have been prevented."

On this voyage* to and from Maine he was accompanied by members of the Council and of the House, upon whose coöperation he now relied to accomplish the project of rebuilding the fort at Pemaquid, in accordance with the direction of the Privy Council. The party sailed in the Gosport, man-of-war, commanded by Captain Henry Crofts, whom the allowance granted in this chapter was to compensate for the expense incurred in their entertainment. By the following entry, the money appears to have been advanced by John Phillips: —

"July 6, 1702. Advised. That John Phillips Esq^{re} (who with others is nominated to attend his Excell^{cy} on a Journey to the Eastward, upon which his Excellency intends speedily to set forward) do advance what and so much as is necessary to support the charge of his Excell^{cy} and the Gentlemen that attend him in the said Journey, and to lay the accompt thereof before the Board." — *Executive Records of the Council*, vol. 3, p. 346.

The resolve which constitutes this chapter passed through all its stages on the eleventh of November, on which day it was consented to by the Governor; and the order in Council† for the payment of this allowance was passed December 4, 1702. The province

* "July 11. [1702.] . . Gov^r sets out for Newbury, and I for Boston." — *Sewall's Diary*, vol. II., p. 69. On the third of August Dudley met the Council and acquainted them "with his proceedings in his Voyage." — *Executive Records of the Council*, vol. 3, p. 352. The voyage must have been between these dates.

† *Executive Records of the Council*, vol. 3, p. 393.

treasurer's account,* ending May 26, 1703, contains a charge of the payment to Captain Crofts of twenty pounds for the purpose named in this chapter.

Captain Crofts died on the fifteenth of December, probably of the prevailing epidemic, small-pox, and hence he received this allowance only a few days before his death. Sewall gives him the following depreciative obituary notice:—

“xr. 16. . . . Heard the church [King's Chapel] Bell ring for Capt. Crofts. He dyed last night. . . .

xr. 19. Is buried in the New burying place in Capt. Hamilton's Tomb. Corps was first had into the church and a Funeral Sermon preach'd. For Debauchery and Irreligion he was one of the vilest Men that has set foot in Boston. Tis said he refused to have any Minister call'd to pray with him during his Sickness, which was above a fortnight.”—*Diary, vol. II., p. 70.*

Chap. 55. This chapter is from archives, vol. 62, p. 411. It is recorded in council records, vol. VII., p. 339.

This resolve is founded on the following letter to Major James Converse, Speaker of the House of Representatives:—

“Sr

This is to remind you of yo^r promise made to me on board o^r ship w^{ch} was to acquaint your house of the Extraordinary charg^l was att^d by haveing the Governour & the severall other Gentlemen on board, the allow^{ce} I wholly leave to yo^r selves & beg yo^r Service herein w^{ch} will allways oblige me to be

Sr

Your Most hum^{bl} Ser^t

Boston the 10th Aug^t 1702

JNO WATSON.”—*Mass.*

Archives, vol. 62, p. 411.

This paper was read, first, in the House, October 19, 1702, when the resolve which constitutes this chapter was passed and sent to the Council, for concurrence. On the eleventh of November the Council passed the resolve, in concurrence, and it was consented to by the Governor. The order in Council† for the payment of this allowance was passed December 4, 1702.

For an account of the voyage of the Gosport, see note to chapter 54, *supra*.

Chap. 56. This chapter is from archives, vol. 101, p. 228. It is recorded in council records, vol. VII., p. 340.

Hathorne and Peirce were of the Council, Converse was the representative from Woburn, Brattle from Marblehead, and White (who was clerk of the House) from Boston; but what place was represented by Coffin, who is called “John” in the council records and “James” in the archives and executive records of the council, does not appear, unless Lieutenant Tristram Coffin of Newbury is intended.

The order in Council‡ for the payment of this allowance was passed December 4, 1702, and the province treasurer's account,§ ending May 26, 1703, contains an entry of four pounds paid to each of the persons named in this chapter.

See notes to chapters 54 and 55, *supra*.

Chap. 57. This chapter is from archives, vol. 70, p. 609. It is recorded in council records, vol. VII., p. 340. See resolves, 1701–2, chapter 104, and note.

The order in Council‡ for the payment of this allowance was passed December 4, 1702, and the province treasurer's account,§ ending May 26, 1703, contains an entry of the payment of this amount to Bogle.

Chap. 58. This chapter is from council records, vol. VII., p. 340, and archives, vol. 70, p. 584.

The petition upon which this chapter was founded is as follows:—

“To y^e Hon^{ble} y^e Great & Gen^l Court or Assembly of her Maj^{ty}s province of y^e Massachusetts Bay in New England, now sitting in Cambridge./

The petition of Tim^o Clarke & Tho. Brattle

Humbly sheweth.

That whereas yo^r petitioners were appointed by y^e Great & Gen^l Court of said province to be a Committee for y^e ordering & directing y^e reparation & new making of Fortifications on Castle Island, & to manage y^e laying out of y^e mony granted for that use, for which their said Service it was Resolved they should be duely satisfied out of the province Treasury. And whereas yo^r petition^{rs} have diligently attended said work all this year hitherto, for above Seven months, expending their whole time therein, & have faithfully discharg'd y^e trust reposed in them to y^e utmost of their abilities, & are like to conclude for this year in a very short time.

Your petition^{rs} therefore do humbly pray your Hon^{rs} will be pleased to take their said long & troublesome service into your present consideration, & to order them due payment & Satisfaction for their said this years Service, proportionable to y^e great import & difficulty thereof.

& yo^r petition^{rs} shall ever pray &c

THO. BRATTLE./

TIM^o CLARKE.”—*Mass.*

Boston 17th Octobr 1702./

Archives, vol. 70, p. 584.

* *Mass. Archives, vol. 122, p. 167.*

† *Executive Records of the Council, vol. 3, p. 394.*

‡ *Mass. Archives, vol. 122, p. 172.*

§ *Ibid., p. 170.*

This petition was read, first, in the House, on the twenty-first of October, when the resolve which constitutes this chapter was passed and sent to the Council, for concurrence. On the twelfth of November it was passed, in concurrence, by the Council, and consented to by the Governor.

The order in Council* for the payment of this allowance was passed December 4, 1702.

Chap. 59. This chapter is from archives, vol. 70, p. 612. It is recorded in council records, vol. VII., p. 343.

The resolve which constitutes this chapter was passed in the House on the tenth of November and sent to the Council, for concurrence. On the fourteenth it was passed, in concurrence, by the Council and consented to by the Governor.

Chap. 60. This chapter is from council records, vol. VII., p. 345, and archives, vol. 70, p. 615.

This chapter is founded on the following petition: —

“To His Excellency Joseph Dudley Esqr. Captaine Gennerall and Governour in Cheife in & over her Majty's Province of the Massachusetts Bay in New England &c^a —

And the Hon^{ble} the Councill and House of Representatives Conven'd in Gennerall Assembly —

The Petition of Seaverall the Inhabitants of Boston

Humby Sheweth/

That wee cannot bee vnsensible of the great want of convenient Magazines for Gunpowder in this Towne the Sore Losses that Some of us haue received, and not only the danger of the Losse of many a persons Life, but also the Hazzard of the Countreyes Ruine; the greatest Stocke of s^d Commodity in y^e whole Country Lyeing in this Towne and in Sleight wooden buildings Subject to bee destroyed at the pleasure of o^r Enemyes Doe therefore humbly pray that this Gennerall Assembly would take this matter of So great Consequence not only of a P^ticular but also of So Gennerall good into Mature Consideration and Enact that such propper Magazines bee built at the Publicke Charge and all Gunpowder for Sale bee Logdged therein or that Some of us your Petitioners undertakeing the building of Such Magazines as shall bee thought fitt shall haue a reasonable allowance for Storehouse roome of all such Gunpowder that shall bee So Logdged there and Settled to us & o^r heirs for a certaine terme of years with such forfeitures to delinquents as shall bee thought fitt —

And your Petitioners as in Duty bound will pray —

SAM^L STODDARD
THO: FITCH
WM HARRIS/—
FRAN: CLARKE
JOHN PITTS
JER: ALLEN
SAMUEL LILLIE
DAVID JEFFRIES
ADAM WINTHROP
THOS^r COOPER

JOSEPH PARSON
BEN: EDMONDS.
ROBERT HOWARD
JOHN FFAYERWEATHER
BENJA ALFORD
JOHN GEORGE
JOHN BORLAND
EDW HUTCHINSON
SAM^L BAKER
JOHN: BONUS

CHARLES HOBBY
EDW: BROMFIELD
JOHN MICO
ZECA TUTHILL
SAMUELL KEELING
NATHLL OLIVER
WM CLARKE
THO: BROOKS
CHARLES CHAUNCY
TIMO CLARKE.” — *Mass.*

Archives, vol. 70, p. 613.

The order which constitutes this chapter was passed, first, in the Council, on the sixteenth of November, and sent to the House, for concurrence. On the seventeenth the House concurred, with sundry amendments, which were agreed to by the Council, and the order was consented to and signed by the Governor on the same day.

See resolves, 1700-1, chapter 84, and note.

Chap. 61. This chapter is from archives, vol. 48, p. 354. It is recorded in council records, vol. VII., p. 348.

On the eleventh of November the House, having passed a resolve for an allowance of six hundred pounds to the Governor “for his service as governor and for house rent for the present year, beginning from the time of his excellency's arrival, the five hundred pounds granted the last session,”† etc., “being part thereof,” sent it to the Council, for concurrence, when the following proceedings took place: —

“... upon the Question put at the Board; Whether they desired Consideration or were ready to Speak to it presently; It past in the Affirmative to be Spoken to presently

Then upon the further Question put, Whether you be Satisfied with the Provision Offered in the Resolve of the Representatives, as a Suitable Maintenance for his Excellency Joseph Dudley Esqr her Majesties Governour, And Whether you do Accordingly Comply with them therein? It past in the Negative

And Nathaniel Thomas, and Daniel Peirce Esq^{rs} were directed to return the said Resolve to the House of Representatives for their reconsideration.” — *Council Records, vol. VII., p. 339.*

On the fourteenth, the House reconsidered the above resolve, and, in place thereof, sent to the Council the resolve which constitutes this chapter, and the same “being read at the Board; The Council exprest their Disapprobation thereof; And Directed That the Secretary Nathaniel Byfield, and John Higginson Esq^{rs} carry the said resolve back to the House, and move their reconsideration thereof.”‡

The House declined to reconsider the vote, whereupon the Council took action as shown in the following entry: —

* Executive Records of the Council, vol. 3, p. 394.

† Chapter 20, *supra*.

‡ Council Records, vol. VII., p. 342.

“Nov. 18, 1702. The resolve of the House of Representatives for allowing the Sum of Two hundred pounds unto his Excellency Joseph Dudley Esq^r for his Service as Governour, and for House Rent for the Present Year beginning from the Time of his EX^{ty}s Arrival, over & Above the five hundred pounds presented to his EX^{ty} at the last Session of the Court read at the Board the 14th Currant, and Sent down to the Representatives with a Message for reconsideration being returned from that House without any Alteration was again read, and the following Vote past thereupon Viz^t;

This Resolve having been Sent down to the Representatives with a Message from the Board to move their reconsideration thereof And the Sum of Five hundred pounds therein mentioned being a Present to his Excellency, And not to be Considered in this Matter, And the Sum of Two hundred pounds expressed to be for his Excellency's Service as Governour being very much below the Dignity of his Station, and Dishonourable to this Government The Representatives not Seeing fit to have reconsideration thereof The Council desire his Excellency's Acceptance of the said Sum of Two hundred pounds at Present, in hopes the Assembly will have further Consideration of that Matter in another Session, and do that which is proper, and honourable for the Government.” — *Ibid.*, p. 348.

The order in Council* for the payment of the allowance of two hundred pounds was passed December 4, 1702, when the Governor immediately signed a warrant therefor to the province treasurer, and afterwards received in one payment both the allowance granted by this chapter and by chapter 20, *ante*. The following is the entry of this payment as it appears in the treasurer's account:—

“Paid his Exceley Joseph Dudley Esq^r Cap^t General & Governour in cheife of this her Majties Province for his service as Governour & for house Rent for the year Beginning from his Exceley's arrival — pursuant to Acts of the General Assembly 700.. — —.”

— *Mass. Archives*, vol. 122, p. 164.

Chap. 62. This chapter is from archives, vol. 101, p. 233. It is recorded in council records, vol. VII., p. 348.

The order in Council† for the payment of this allowance was passed December 4, 1702, and, by an entry in the province treasurer's account‡ ending May 26, 1703, it appears to have been duly paid to him.

Chap. 63. This chapter is from archives, vol. 101, p. 233. It is recorded in council records, vol. VII., p. 349.

The order in Council† for the payment of this allowance was passed December 4, 1702.

Chap. 64. This chapter is from archives, vol. 101, p. 233. It is recorded in council records, vol. VII., p. 349.

In his speech, at the opening of the second session, in which he urged the appointment of fixed salaries for certain officers, Governor Dudley had used the following language in regard to the judges of the Superior Court of Judicature:—

“Oct. 15, 1702. . . I know none that have a Stated Salary unless it be the Judges who I understand are Supported with forty pounds p^{r} Annum; Scarce enough to Maintain a Servant, and horse while the next Province, much less than Our selves pays Five hundred pounds p^{r} Annum to the Chief Justice, I must earnestly recommend the just Consideration of this Matter to You, and Desire you to think that if we hope to have A Government we must Support it And there are very easie ways, by a Proper Impost, and excise, to do it, without any Burthen upon the Trade or Husbandry of the Country.” — *Council Records*, vol. VII., p. 312.

The Governor had evidently overlooked the last preceding allowance to the judges, which had been increased to forty-five pounds per annum.§

Instead of establishing a permanent salary for the judges, as the Governor had suggested, the House, on the eighteenth of November, passed the resolve, which constitutes this chapter, raising the judges' salary to fifty pounds per annum, and sent it to the Council, for concurrence. It was passed, in concurrence, on the same day, and consented to by the Governor.

The order in Council† for the payment of this allowance, amounting to £37 10s., each, for nine months' service, was passed December 4, 1702, and the province treasurer's account|| ending May 26, 1703, contains a charge of the total sum of £187 10s. paid to the judges accordingly.

Chap. 65. This chapter is from council records, vol. VII., p. 349. It has not been found in the archives.

The order in Council¶ for the payment of this allowance was passed December 4, 1702, and, by the province treasurer's account,** it appears to have been duly paid.

See resolves, 1701–2, chapter 100, and chapter 25, *ante*.

Chap. 66. This chapter is from archives, vol. 30, p. 488. It is recorded in council records, vol. VII., p. 349.

In his speech to the Assembly at the opening of the second session of 1699–1700, Bello-mont apologized for not having finally prorogued them, alleging, as his excuse, the alarm-

* Executive Records of the Council, vol. 3, p. 392.

† *Ibid.*, p. 393.

‡ *Mass. Archives*, vol. 122, p. 164.

§ *Resolves*, 1701–2, chapter 54.

|| *Mass. Archives*, vol. 122, p. 165.

¶ Executive Records of the Council, vol. 3, p. 394.

** *Mass. Archives*, vol. 122, p. 166.

ing emergency in which the country was placed by the hostile attitude of the Indians. This he described as follows: —

“ March 13, 1699-1700. . . . The Indians in this, and the Neighbouring Colonies are said to have Combined with the Eastern Indians, intending to make a general Insurrection, and Rebellion; And if we may credit the Advice we have from some hands, the Time for Execution, of this their ill Design is near at hand, And so near that it will be in vain to try to avert the Blow by treaty or the promise of any Advantages to them, but we must rather think of Suppressing them by force of Arms, In Order to which you will do well to Consider of a way to make Such Levies of Souldiers as shall be Sufficient to defend the Country, and being levied, to Discipline, and make them expert in the Exercise and use of their Arms

It were not amiss too, if a way were found out to Oblige the Forces to march out of the Province as often as the Kings Service requires it, It is our Duty to Assist Our Neighbours and Fellow Subjects, And it has Always been reckoned a point of Policy, and prudence, to Keep danger as much at a Distance as 'tis possible

It were well too, if a Law were made to punish Mutiny & Desertion in time of Actual Warr, without which the Soldiers you raise will not be tractable to the Command of their Officers, and so will not Answer your end in raising them

You will do well to make provision of a Sufficient quantity of Armes, and Ammunition, and that with all the Expedition that may be that the Countty may be furnished with both for their Defence . . .” — *Council Records, vol. VII., p. 51.*

Hutchinson, writing nearly seventy years later, thus treats of the subject: —

“ LORD Bellamont held two sessions of the general court this year; the first, the anniversary for the election of conncellors, the latter the 31st of March following, occasioned by a general rumor through the colonies, that the Indians (from all quarters, not only those upon the frontiers, but those who were scattered through the towns in the several colonies) had united and agreed, at an appointed time, to fall upon the English in order to a total extirpation. The Indians were no less alarmed with a report, that the king had withdrawn his protection from them, and ordered his subjects to unite in their destruction. These reports were supposed to have been raised by evil minded persons among the English or Dutch; but it is more probable, the Indians of the six nations, to obtain the presents which accompanied all treaties between the English and them, were the contrivers and managers of the whole affair. Such was the consternation in the Massachusetts, that several acts passed the general court for levying soldiers; for punishing mutiny and desertion; for holding all the militia in readiness to march; and for enabling the governor to march them out of the province, which, by charter, he was restrained from without an act of assembly. As it happened, there was no occasion for carrying these laws into execution; the general terror subsiding soon after.” — *Hist. of Mass., ed. 1767, vol. 2, pp. 120, 121.*

The result of this temporary alarm was the action taken to evangelize the Indians, and to promote trade with them, under the provisions of chapter 45 of the resolves of 1700-1.

The next year, the apprehension of immediate danger from Indian attacks was still further quieted by the good news that, through the efforts of Bellomont, the Eastern Indians had submitted to the friendly Five Nations, or, as Stoughton expressed it in his speech to the Assembly, February 14, 1700-1, had desired “to be joined in the same covenant chain with them, and the Five Nations, acceptance of them thereinto.”

But this prospect of future peace and security was illusive. Already the French were looking forward to another war with England, and, in view of this, the government of New France was providently making overtures with the Iroquois, and, through them and the former Indian allies of the French, was attempting to form a league, offensive and defensive, with the most powerful of the savage nations around the great lakes and along the valleys of the Ohio and the Mississippi. Some three hundred and fifty of the twelve or fourteen hundred fighting men of the Iroquois had been persuaded, by emissaries of the Canadian government, to desert their tribes, and put themselves under French control; and, about the time of Bellomont's supposed success in effecting a union between the Eastern and Western Indians (in which even the River Indians asked to be included) the Iroquois were concluding a treaty of peace with the Governor-General at Montreal. By no treaty, however, would the Five Nations probably have bound themselves to make or join in a war upon the English. Still, the friendly relations established by the terms of peace between them and the Canadians would enable the latter to carry out a scheme, designed apparently by Callières or his cabinet, of holding the leading sachems nominally as guests, but really as prisoners, while he was securing the coöperation of the Penobscots, the Pennecooks and other Eastern Indians, with other savages from Canada, in a grand demonstration, by an army of eighteen hundred to three thousand men (from four hundred to five hundred of them Indians), against the English colonies.

The scheme which the Canadian government and d'Iberville were contemplating was the utter destruction of the seaboard settlements of New England and New York, and the entire subjection of the English colonies, — Boston being the chief objective point. But, as to the details of this scheme, there was some difference; the former proposing a force of two thousand men to proceed, “after the sowing season, in canoes by way of the river near Quebec that conducts to Acadia,” rendezvousing at Penobscot not later than the twentieth of June, there to be joined by a fleet of five men-of-war “having one thousand effective soldiers on board, for the purpose of landing.” After landing the soldiers, the fleet was to proceed to Boston, to coöperate with the land-force, which was to proceed in canoes to Piscataqua (which was to be held as a depot after its capture), and then to march to Boston, foraging, and laying waste the country, as they went along. After destroying Boston, the fleet was to sail for New York, whither the troops were to march, aided by the “horses and carriages abounding along the route.”

D'Iberville's plan was much more practicable. He proposed to start from Quebec, not later than the fifteenth of November, with eighteen hundred picked men, by way of the

Chaudière and Norridgewalk, where he would rendezvous. Thence he would proceed, under cover of the woods (and, by night, when approaching Boston), arriving there at break of day.

After capturing the town and disarming the inhabitants, he proposed to send out parties "to lay waste the low countries as far as the gates of New York, in order to render that place a desert, if considered proper."

But these schemes proved abortive. The expected declaration of war was deferred, and the opportunity for the meditated acts of strategy and prowess passed by, while the English colonists remained in entire ignorance of these designs for their extirpation.

It will be remembered that the Lieutenant-Governor, following the example of Bellemont the year before, had dismissed the Assembly in April,* after apologizing for allowing them to convene in another session when he might have dissolved the General Court by proclamation, since there was so little business of importance for them to consider.

A little less than two weeks of the vacation had passed when the Lieutenant-Governor and Council deemed it proper to take measures to secure the fidelity of the Eastern Indians, as follows:—

"May 2, 1701. Advised that the Province Gally be forthwith repaired fitted and equipped to attend his Majty's service; and that John Phillips, Penn Townsend Nathl Byfield and John Nelson Esqrs be appointed as Commissioners from this Government to take a voyage in the sd Gally to Casco Bay, there to meet with and discourse the Eastern Indians, and to endeavour to hold them steady to his Majty's Interests; and that the value of one hundred pounds be sent by them for Presents to the Indians in such things as they shall think most suitable, whereabout they are to consult and to lay a Memorial thereof before the Board. also:

That an Express be sent to Captn Wormald Commander of his Majty's Fort at Casco Bay, to advise him of the coming of sd Commissioners by the 19th or 20th of this present month, and directing him to give notice thereof to the Indians, that they may be there at the time.

Major Walley to take care to procure such an Express."—*Executive Records of the Council*, vol. 3, p. 199.

Three days later, the Council advised the substitution of the following vote of advice, for their former action:—

"May 5, 1701. Whereas the Council at their meeting upon Friday the 2d of May current did advise that the value of one hundred pounds be sent in Presents to the Eastern Indians, by the Commissioners appointed for a negotiation with them.

It is now advised and Consented. That the said sum be enlarged to one hundred and fifty pounds, and that a Warrant be issued by his honour the Lt Governr unto Mr Treasurer to lay out that sum for the procuring of such things to make the said present in, as John Phillips, Penn Townsend, Nathl Byfield and John Nelson Esqrs (the Commissioners appointed for the sd negotiation) shall, by a memorial to be by them given to the Treasurer, advise as proper and suitable for that occasion; as also to make provision for the suitable accommodation of the said Commissioners in their voyage."—*Ibid*, p. 202.

On the thirteenth, the commission and instructions of the commissioners above named were read and approved in Council, and, on the same day, an order† was passed that a warrant issue to the province treasurer for the sum of ten pounds, for emergencies, in addition to the amount already drawn; and another vote of advice passed, "that the whole complement of men to be born in his Majty's pay on board the Province Gally in her present voyage to the Eastward be twenty four."

In his speech at the opening of the next General Court, the Lieutenant-Governor informed the Assembly, "That there were Several Gentle men now abroad in the Eastern parts of this Province employed by himself with the Unanimous advice, and Consent of the Council on a Negotiation with the Indians in the Eastern parts of the Province to Endeavour to fix them in his Majty's Interests, and to prevent their taking in with the French If a war should Comence Of which Negotiation he hoped they would receive a good Satisfactory Accompt."‡

At Casco Bay the commissioners drew up the following memorial of the result of their mission, by which it will be seen that the Indians declared that the submission made to the Iroquois, and by which such flattering hopes had been excited in the provincial government, was the unauthorized action of certain members of their tribe, who had been sent for another purpose:—

"Cascoe bay June the 3: 1701

A memoriall of those heads or propositions on which Colo John Phillips, Colo Penn Townsend, Cap^t Nathaniell Byfeild and John Nelson, being Comissionated by the Hon^{ble} William Stoughton Lt^t: Gouvernor, and y^e Hon^{ble} the Council for the province of the Massathussets bay in New England, did treat with the Easterne Indians, and were as ffolloweth. Viz—

Some time after that y^e Comissioners and y^e Indian Sagamoes or Cheifs had taken each their places at a Table sett under a tent Spread in y^e woods. The Comissioners§ began and told them, by two English Interpretors, and one Indian.

Comⁿ. we are here sent by his Majtie to treat wth you and renue our freindship wth you. Ind. Wee are here Allsoe generally mett together and are uery glad to see you. —

Comⁿ 1: pro. That our great Master King William haneing been duely informed of y^r [memoriall§] and confirmation of peace which you offered unto our late Gouvernor y^e Earle of Bellemont, in y^t great Assembly of Indians with whom you did desier to Joyne in a mutuall & publique League of amitie wth us, he has ordered us to informe you how

* See resolves, 1700-1, chapter 103, note.

† *Executive Records of the Council*, vol. 3, p. 203.

‡ May 29, 1701. *Council Records*, vol. VII., p. 133.

§ Manuscript mutilated.

well he has accepted the Same, and that he has Commanded y^e Gouvern^t of y^e Massathusets punctually to performe & Conforme themselves to all things contained in the said treaty concluded wth you att Albany in October 1700. —

Ind. Ans^r to y^e 1st pro. Wee Know that King William hath power to make peace when he will, & we are glad that he hath accepted us into the league of freindship, and y^t you are now Sent to Confirme it.

2^d pro. That since the death of the said E: of Bellomont, there is come new and Express Orders from our Comon father the great King William, by w^{ch} we are Comanded to come unto you in this Countrey to renue & Keep fresh in memorie the alfores^d treaty & as brethren & freinds to reioice with you, in the hapie fruites of soe well a settled peace amoungst us, whereby all former mistakes and Injuries may be for euer buried & forgott, and at the same time to shew you our heartes booth in settling the trade soe to y^r advantage as that for y^e future you may neuer want any thing, and at Cheap rates & prisees, as allsoe to bring unto you the presents which the King has been pleas^d to send You.

Ind. Answer Wee are verry glad that the great King William hath soe far taken notice of us as to send you amoungs^t us, y^t y^e friendship between us may be Confirmed which we doe from our hearts agree to, and from this day forward it shall be for euer talked of amoungs^t us, and we allsoe desier y^t all former Injuries and Mischeifs that haue been Comitted on either side may be for euer buried under Grownd. we are allsoe thankfull for y^e Good settlement of the trade for us, and we pray that we may haue goods sould to us at a Cheap rate & y^t noe run may be sould y^e Indians.

3^d pro — That y^e Experience of the benefitts of y^e p^{re}sent peace and quiettness is Sufficent to Convince how it ought inviolably to be maintained, and that neither partie beleine or harken to any who by falls or Subtillie perswations shall seek to disturbe it but rather hold them Enimies for soe doeing, and if unhapily any misunderstanding should arise by any wrong done unto you by our people, upon your Complaint due punishm^t shall be inflicted and satisfaction made, which we likewise Expect on your partes to be performed to us.

Ind. Ans^r — Wee promiss to Obserue it & desier the same thing of You.

4th pro — That in further Confirmation of our amitie and freindship we are to Offer unto you the protection of our Great & mighty Prince King William, who under this Couenant of peace look's upon you as his Children, and therefore is readie to defend you against any that shall invade or disturbe You.

Ind. Ans^r — In case any Nation should make war upon us, we doe not desier that our Uncle King William, (which title we esteem equall to father) should loose any men on our account, untill we haue tried what we can doe for our owne defence. —

5th pro. That we are likewise to noate unto you our Jealousies concerning the french by whom you haue been soe often seduced, that thro' theire fals reportes you may not againe be deceined, but rather Call to remembrance those times when by a full confidence & loue we were usefull unto each other, which same trust you may see we are againe Endeauoring to restore, not onely by a free trade and Supplying of you wth powder, lead, Armes, and all other things you may need, at Such prices as y^e french (who Cheat you) cannot doe, whereby you may be the better Enabled to Keep y^r promisses soe lately made unto y^e E: of Bellomont, in Cutting downe trees in the path, soe for euer stoping the way to Quebec, since we shall for y^r Saffty furnish what ener You want at y^r owne dores & Spare you the Labor of Goeing soe far.

Ind: Ans^r In case we should stop up our roades to Canada many of our Brethren would be hindred from Coming ouer to us besides many Amoungs^t us care not to be deprived of the liberty of goeing wheather they please, Yet we think there will be little Necessitie of goeing to the french, since we may be soe well supplied with what we want from the English. —

6th pro. That from the repeated treaties made wth you, whereby you haue put y^rselues under the protection of y^e Crowne of England &c. Our Great King William does Expect the punctuall performance of y^r promisses for the future, and on his part you shall euer receiue such fauor and protection as is due unto his Children. —

Ind: Ans^r Wee doe not mind any talke, but what wee now say, we resolute to Stand to it, & it comes from our verry hearts.

7th pro. — That altho a soleimn peace had lately been concluded between his Maj^{tye} and the french King, which was to haue lasted for euer, Yett thro' his perfidions & false dealings therein, our King will be forced to enter into a new war with him, unless Satisfaction be made, for y^e prosecution of which he is makeing greater preparations then Euer, we are therefore the rather desierous of makeing this Knowne unto you, to y^e intent you may not be surprised at it, nor receiue any report's which y^e french may make of us on y^r regard, since we dissigne nor intend any thing that may breake our Couenants with you, but that in what ener shall happen, you may be Assured of perfect peace and quiett from us, & unto all those Indians who shall not take any part or Assist y^e french, in case the war should breake out againe wth them.

Ind. Ans Wee thank you, that you will giue us notice of the likelyhood of a war between the french & y^e English, and we desier to Keep our Selues free, & not to be under the Comand of any party, and we will Endeauor what we Can to bring y^e Indians that line upon the french grownd under y^e same Obligations with our Selues, and if any damage hapen to be done upon the English by the Indians that may pretend to belong to any of our three forts of Norridgwock, Amassahantick, or Narrakamaguog we desier the English would not beleine it, till they haue sent to us for information, and wee promise to make Enquerie into the matter, and if they belong to us we will Endeauor to doe you Justice, for if we should not, we should all become Equally Guilty.

8th pro — That for y^r further Assurance and advantage in abiding in y^r Country, the Gouvern^t has thought good to Settle wth you an Armorer, who for the future shall repaire or mend any or all of y^r Gunns that may proue defectiue, and that Gratis, soe that you may haue noe pretence or occation of goeing to Canada; or to y^e french in these partes, for want of this or any Suply whatsoever.

Ind. Ans^r Wee are verry thankfull that we can haue gunns mended here for nothing, Especially because formerly when any of our guns were but a little broaken we looke^t upon them as lost, and wee promiss to bring in noe Enimies gun's to be mended. — here the Indians Queried wheather the Penobscot Indians might not be included in y^e benefitt of haueing theire gun's mended, on which Condition they promised to use theire best endeauors to engage them, as themselves in this Same treaty.

The Answer was that all Indians in freindship wth us should haue the same priuillidge.

9th pro That to y^e intent of perfecting our future & mutuall freindship and acquaintance we haue thought good to offer and inuite y^r sending of some of y^r Children to liue amongst us, whome we shall take care off booth for theire maintenance and Education & to returne them at such times as you shall desier, and that if you are aney waies inclinable to haue your young men see England & King William, we shall send them, whereby you may be better informed of the Circumstances of our Nation.

to this ninth proposition they desiered time to Consider, & whereon it being neare night & bad weather we broke up untill the next day. —

June y^e 4:

Ind. Ans^r Wee Conclude not to Send any of our Children to England because Moxus his son when he was sent to France, he died there, and we conclude not to Send any of our Children to Boston because we formerly had two of our Children at Boston, called John and Robin, which we beleine haue by this time learned to read and write English enough & they neuer yett haue been returned amongst us,

10 pro — That it is left unto y^rselues seriously to Consider w^{ht} may yett remaine or be most for y^e ease, Safty and advantage, which as we Earnestly desier soe shall readily hearken unto, and performe any thing that may be consistant with his Majties: honor, and the Safty of his Subjects in these Countries &c. —

Ind: Ans^r 1st Wee desier to be informed about y^e 2 Children mentioned in our Answer to y^e 9th Paragraph.

Comiissioners Reply — Those two Children were taken in war and disposed of by those to whome they did belong, & we heare y^t one of them is dead and the other is now in London, where he is well provided for & we beleine he hath lost his Language, and that he will not incline to returne, but if he be willing, we shall use our Endeauors to procure him.

Ind. you ought to force him to Come home for we haue a great mind to see him, we forced some of y^r Captiues to returne home.

Comiss He is out of our Gouvermt and we Can't force him but we shall use our utmost Endeauor to Obtaine him.

2^{ly} we desier that if you should hereafter haue occation to treat with us, we might meet together at Merry-meeting

reply The indians must then be at y^e paines to prepare a house for our accomodation.

Ind. we are willing to doe it, and we desier y^t allwaies we may haue timely notice of y^e time of meeting by a letter from this fort at Cascoe bay, and we shall not hearken to any Other.

3^{ly} we desier to haue a tradeing house Erected at Merry-meeting

11th pro — That we Can not avoid takeing notice of Your Affecting or wearing a french flag or Colors, which if you purpose to maintaine any Settled Coresponce or freindship with our Nation, must for the future be forborne, in this or any part of his Majties: Dominions, and that you meet and treat with us under English Baners, which at your desier or request, we shall take Care to Supply you with as occation may requier.

Ind. Ans^r We thought it necessarie to haue some flag or other, and haueing noe Other we put up a white one, but if you will please to furnish us with an English flag, we promise to weare it for the future as a Signall between us.

12 pro — That we are in an Especiall maner directed to invite you unto an Union wth us in the true Xtian Religion seperated from those foolish Superstitions, and plaine Idolatries, wth which the Roman Catholicks, & Especially the Jesuits and Missionaries haue Corupted it. to which intent we are to offer you the Assistance of teachers for y^r instruction, in like maner as is practised amongst those Indians who live amongst us, of whome great numbers haue happily recd, and liue in the faith of our Lord Jesus Christ, in which great undertakeing, we shall Expect nothing more on y^r partes, then y^r Good treatment of those Ministers whome we shall at any time Send amongst You.

Ind. Ans^r It much surpriseth us that you should propose any thing of religion to us, for we did not think any thing of y^t nature would haue been mentioned, furthermore nothing of that nature was mentioned when y^e peace was concluded between all nations. — furthermore the English formerly neglected to instruct us in religion, w^{ch} if they had then offered it to us, we should haue Embraced it, and detested the religion w^{ch} we now profess, but now being instructed by the french we haue promised to be true to God in our Religion, and it is this we profess to Stand by. —

Com^m We propose that for a perpetuall remembrance of our good agreement, each party should here raise a heape of stones.

Ind. We doe well agree to it, and we understand it better then signing of a writting

Two heaps of stones were accordingly raised in y^e place of treaty, that is to Say the Commissioners on y^e English part each of them laid one foundation stone, and the men then present wth them made up the heap in a Square piramide. And the Indian Sagamoes each of them for theire p^t likewise laid a foundation stone, & then all the Indians and theire Children made up theire heape in a roundish piramide, to west of the English, upon the point formerly called Andrew's his point, now Mutually Agreed for euer hereafter to be caled the two Brothers point. from y^e two Pillars,

Upon information of some English Captiues yett remaining amongst them, a demand was made for theire release. —

The Indians replyed we Know not of any amongst us, but if we can possibly see y^t Child of ours which is in England, it will be great encouragem^t & we will Endeauor to redeem any captiues of Y^{rs} that we can heare of Either at Canada or Ells where.

Concerning the Indians that treated with y^e Maqua's in October last —

The Indians say that those Indians that then treated with y^e Maqua's went on their own heads.

Com^{rs} Shall we then tell the Maqua's that all y^t treaty goes for nothing

Ind. After a Considerable Nonplus, they replied that those Indians were only Sent to Know the Issue of the E: of Bellomonts treaty with y^e Maqua's.

The names of y^e Cheife Sachems —

| | | |
|------------------------|---|-------------------|
| MOXUS | } | of Norridgwock |
| [*] ONDOMHEGON | | |
| WASAHOMBOMET | | |
| ABOMHOMEN <i>alias</i> | } | of Amassahamtick: |
| JNO MAHERIMET | | |
| ADEAWANADON | } | of Narrackamagnog |
| MADAGWUNESSECK | | |

JOHN PHILLIPS
PENN TOWNSEND
NATHAL BYFIELD;
J^o NELSON." — *Mass.*

Archives, vol. 30, p. 464.

The commissioners presented the foregoing memorial to the Lieutenant-Governor and Council on the tenth of June, when it was read, and sent to the House for their perusal.

On the next day the House passed the following order: —

"Ordered — That a Message be sent up to the Hon^{ble} the Lt Govern^r and Council, to Acquaint them, that this House is Dissatisfied That the Com^{rs} lately sent to Confirm the Eastern Indians in their Obedience to his Maj^{ty} should have Instruction, to Assure them, That they should have an Armourer, settled with them to mend their Arms gratis, since this House, when it was sent down to them for their Concurrence the last year did not Concurr therewith, and this Court did order otherwise." — *Ibid.*, p. 473.

The Assembly adjourned from the thirtieth of June to the fourth of July and then, again, to the thirtieth, but no further action upon this subject has been discovered until the second session of the next year. On the seventeenth of November, 1702, the resolve which constitutes this chapter was passed by the House, and sent to the Council, for concurrence, and, on the following day, it was passed in concurrence, and consented to and signed by the Governor.

The order in Council† for the payment of this allowance was passed December 4, 1702, and the province treasurer's account‡ ending May 26, 1703, contains an entry showing that twenty-four pounds was paid to the commissioners aforesaid for the service named in this chapter.

Chap. 67. This chapter is from archives, vol. 3, p. 404. It is recorded in council records, vol. VII., p. 350.

On the twenty-first of October the joint committee appointed by chapter 24, *supra*, made the following report: —

"Cambridg Octobr the 21th 1702

The Report of a Committe. To Consider of that Clause in his Excellencies Speech as to the Erecting a fortification at or neer pemaquid. Apointed June the 27th. 1702

Haueing Considered the present State of the Late fort at pemaquid, which was the last Session of the Generall Assembly recomended to vs by the Gou^r by her Majesties Especiall Command, vpon which Wee attended his Excellency to the place Wee are Humbly of Opinion. that the Stones being already in place the Ground already Trenched and the foundation probably Still Good, And Lime to be had Neare & Easely, The Generall Assembly may in Obedience to her Majesties pleasure & direction therein. Agree and Order that there be a Sum of Mony Granted to be payd in Two yeares for the Raiseing of the Walls of Said ffort, And that her Majestie be Humbly addressed to put a Garison of one Hundred men vnder proper officers to Secure the Same for the future, the Charge of itt^s Maintenance being so very Great, And the Other frontiers of the province being so far Extended. that puts the province to almost an Insupportable Charge in tyme of War with the french and Indians —

| | | |
|----------------|---|---------------------------------|
| JON GOREHAM | } | JOHN. HATHORNE |
| EDWARD BRATTLE | | DANIEL PEIRCE |
| | | JOHN: APPLETON." — <i>Mass.</i> |

Archives, vol. 3, p. 401.

On the twenty-first this report was presented, by the chairman of the committee, John Hathorne, to the Council, where it was read, and immediately sent to the House. On the twenty-third the House, having read the report, passed the following resolve: —

"Resolved a non Compliance y^rwth. And that an Address and memorialls, by a Com^{tee} of this house Joined with a Committe of the board, be prepared, to lay before her majestie what may be necessary referring to y^e Same." — *Ibid.*

This resolve was sent to the Council, for concurrence, on the twenty-ninth; but the Council, after reading it, voted that it be "left to consideration." On the third of November the Council proposed a conference which the House, on the same day, declined, whereupon the Council insisted, and protested as follows: —

* Manuscript mutilated.

† Executive Records of the Council, vol. 3, p. 393.

‡ Mass. Archives, vol. 122, p. 163.

“In Council Novr 3^d 1702

The Council having read the return of the House of representatives refusing a Conference upon the return of the Committee for Pemaquid which the Council had directed The Council do declare that their refusall of a Conference with them selves upon that head or any other affayr refering to the Govement is a great Infrengment upon the rights and Intrest that the Council have in this Govement and desire that this their declaration be Entred accordingly and do yet insist upon the said Conference and desire the Governor to Direct it accordingly.

Voted in Council *nemine contradicente*.
p. 402.

E T.* p order.” — *Ibid.*,

On the next day the House reconsidered its refusal to join in a conference with the Council, and sent up a message, in writing, containing the following order:—

“In the House of Representatives. Novr 4th 1702.

Ordered—That a Conference be Attended with the Hon^{ble} Board on the Vote of this House Referring to Pemaquid fort either by both Houses, or by Committees of both Houses as shall be agreed. That a message be sent up accordingly by Cap^t Phipps & Cap^t Bassett.,

JAM^s CONVERSE Speaker.” — *Ibid.*, p. 403.

On the fifth, the Council sent to the House a message by Jonathan Corwin and Barnabas Lothrop to inquire if the House were ready to join in the conference, which, being answered affirmatively, the conference was held forthwith. “His Excellency and Council went down to the representatives’ room, being the most large and convenient.” The conference being ended, the Council “returned again to their own chamber.”

On the tenth, the House passed the following order, which was immediately sent to the Council:—

“In the House of Representatives. Novemr 10th 1702.

Ordered—That a Message be Sent up to the Honorable Board, That this House having Considered, and weigh’d, what was said in the Conference between both Houses, upon the Report of the Committee appointed to Consider of that Clause in his Excellency’s Speech, as to the Erecting a fortification at or near Pemaquid are still of the mind, that it is not proper in this Juncture of Time, to Proceed on so weighty an affair, as the building of Pemaquid fort, the present Circumstances of the Province being Considered, and especially considering the late credible Advice that the Eastern Indians are Prevail’d upon by the french to become our Enemies, and a powerfull body of Indians, are upon their march against us.

And That an Adresse and Memoriall, by a Committee of this House Join’d with a Committee of the Board be Prepared: to Lay before Her Majesty what may be necessary referring to the same.

JAM^s CONVERSE Speakr.” — *Ibid.*

On the sixteenth, the Governor sent a message to the House to attend him in the council chamber, and upon their appearance he “Acquainted them, that he had but two things of Moment to Communicate to them at the Opening of this Assembly; the One that of her Majty’s Command for the Building of a Fort at Pemaquid, and the other That of Providing for the Support of the Government; Neither of which they had Brought to any Effect

And Acquainted them he had received Letters from Whitehal by the Ship now Arrived, And Ordered the Secretary to read a Letter from the R^t Hon^{ble} the Lords Commissioners for Trade and Plantations of the 15th of September past Containing a Direction to his Excellency; in Observance of her Majesty’s Express Order to move the Council, and Assembly to erect a Fortification at Pemaquid &c According to the Projection of Coll^o Romer her Majesties Engineer

And the said Letter being Accordingly read by the Secretary and Afterwards enforced by his Excellency; his Excellency Dismist the Representatives to return to their room.”†

The Governor then directed that the report, of the twenty-first of October, of the joint committee upon a clause in his speech, “which refers to the erecting a fortification at or near Pemaquid be again read at the Board,” which being done he “put the question to the Board, whether they accepted the said report of the committee and it passed in the affirmative.” Thereupon, the report was again sent to the representatives, with this vote of the Council thereon, by Nathaniel Byfield, one of the Board. On the seventeenth, the House passed, and sent to the Council, the following order:—

“In the House of Representatives. Novemr 17th 1702.

Ordered—That a Message be sent up to the Honorable Board, That this House doth still Insist upon their Votes heretofore sent up, for a Committee of both Houses to be Appointed to Prepare an humble Adresse and memoriall to Her Majesty, and are Troubled that It hath been Delayed so long.

p. 404.

JAM^s CONVERSE Speaker.” — *Ibid.*,

This order was read in the Council on the same day, and the following reply was immediately returned:—

“Nov. 17, 1702. . . . The Council know of no Other Motion from the Representatives relating to Addressing her Majesty, Save only about the Matter of Pemaquid; To which they have no Answer to their Vote past Yesterday for Accepting of the report of the Committee

Which return was Sent down to the Representatives.” — *Council Records*, vol. VII., p. 347.

* This was Edward Turfrey, assistant, or deputy, to the Secretary, respecting whose untimely death Sewall makes the following memorandum in his Diary:—

“Friday, Jan^y 8. 1702/3 Between 5. and 6. m. Mr. Edward Turfrey dyes of the Small Pocks; was dying all night in a maner, having strong Agonies. He was a person of great Abilities. His death is a great Loss to the Town and Province: but more especially to Mr. Addington, to whom Mr. Turfrey was extraordinarily Serviceable, having liv’d with him above Ten years. If real Worth and Serviceableness and Youth wont give a discharge in this warfare, what shall? He is universally Lamented.” — *Vol. II.*, p. 71.

† November 16, 1702. *Council Records*, vol. VII., p. 344.

On the eighteenth, the House voted, in the form of an order, that they adhere to their vote "which was passed and sent up the tenth instant." This was followed, the same day, by the passage, in the House, of the order which constitutes the present chapter. On being sent to the Council, for concurrence, it was immediately concurred in.

On the twenty-first, the last day of the session, the draught of an address to the Queen, and of a memorial, to accompany the same, which had been reported by the committee, and passed by the House, were sent to the Council, for concurrence, whereupon "a Message was Sent to that House by Elisha Hutchinson Penn Townsend, and Nathaniel Byfield Esq^s to Observe unto them That in their said Draught of an Address, and Memorial, the Votes of the Council referring to the Matter of Pemaquid were wholly Neglected, from which the Council could not Depart, And there being no Present Opportunity of Forwarding the Same to Desire they might be left to farther Consideration, And that the Necessary Buisness before them might be dispatched for that his Excellency intended to Dismiss the Assembly this Afternoon."*

Upon receiving this message the House passed the following order: —

"Ordered that a Message be Sent up to his Excellency the Govern^r To request him y^t if opportunity p^rsents before the next Session of this Court, To write to her maj^{ty} To Signifie to her that this Court are prepar^g an Address and memorialls to lay be fore her majestie referring to y^e affaires of this Province assoon as may be

JAS CONVERSE Speaker

In the House of Representatives Nov^r 21. 1702." — *Mass. Archives*, vol. 108, p. 7.

This order, communicated, by written message, to the Council, was received and read by the Board, but no action appears to have been taken thereon — the request of the House being to the Governor in his executive capacity.

Here the matter rested until the next Assembly convened. On the thirteenth of March, 1702-3, the original report of the joint committee on the Governor's speech was again taken up in Council, accepted, and sent to the House. On the fifteenth, the House referred it to a committee. The report of this last committee has not been found; but, on the twenty-seventh, which was the last day of the session, the House again rejected the original report of October 21, 1702.

The burdens and excitements of the war which soon followed seem to have barred any thought of resuming the subject of the expensive work at Pemaquid, until 1705, when an address was adopted, and forwarded to the Queen. See resolves, 1705-6, chapter 56.

Chap. 69. This chapter is from council records, vol. VII., p. 351. It is preserved in archives, vol. 3, p. 103.

The resolves of the previous year, 1701-2, chapter 33, and of the last session, chapter 10, *ante*, had authorized the Governor, in the vacancy of the Assembly, to transport part of the militia into the province of New Hampshire.

The Council, deeming that the exigencies of war (which had been declared) rendered it imperative that the commander-in-chief should have larger authority over the militia than had been conferred upon him hitherto, passed the following vote, on the eighteenth of November: —

"In Council. Novembr 18th 1702

Resolved That in the Vacancy of the General Assembly It be lawful for the Captain General, or Commander in Chief of this Province for the time being, by and with the Advice and Consent of the Conncil to Transport such part of the militia of this Province as they shall find needful, or Oblige them to march into the Provinces of New-Yorke or New-Hampshire or Colonys of Connecticut or Rhode Island for the Assistance and Defence of Her Maj^{ties} Subjects and Interests within the same at any time or times during the present War, and not afterwards. And that the marching of Forces through the Province of New Hampshire into the Eastern parts of this Province, shall not be Esteemed by this Court an Infringment of Her Maj^{ties} Charter." — *Mass. Archives*, vol. 3, p. 103.

On being sent to the House, for concurrence, a resolve was passed similar to the above, but limiting its operation to the beginning of the next May session and omitting mention of the province of New York, whereupon a message was sent to the representatives by James Russell and the Secretary, "to move their reconsideration of the said resolve." The House, however, returned the resolve with the same omission. Upon this, the resolve of the House "was read, and Sent back again by M^r Corwin and Coll^o Thomas who were directed further to move the House in that Matter, and to Shew them the former Acts wherein New Yorke is particularly mentioned."†

The House now reconsidered its vote, and amended its resolve, by inserting "New York," still retaining the clause limiting its operation, thus forming the original of this chapter. On the nineteenth, therefore, the Council "recalled" its original resolve, and concurred in passing this resolve of the House, as amended, and it was immediately consented to by the Governor.

Chap. 70. This chapter is from council records, vol. VII., p. 353. It has not been found in the archives. See note to chapter 29, *ante*.

Chap. 72. This chapter is from archives, vol. 58, p. 234. It is recorded in council records, vol. VII., p. 354.

This resolve appears to have originated in the House, upon a message from the Council, sent as early as the twenty-seventh of June. The original draught, which was passed by

* Council Records, vol. VII., p. 356.

† *Ibid.*, p. 351.

the House on the thirtieth of October, granted an allowance of fifty pounds per annum only. Upon this, the Council, on the twelfth of November, voted, "not agreed to as a suitable allowance," and "that the House be moved to reconsider it." The House thereupon passed the resolve which constitutes this chapter, which, being sent to the Council, for concurrence, was passed by the Board, and consented to by the Governor, on the twenty-first.

The order in Council* for the payment of this allowance was passed December 4, 1702, and the province treasurer's account† ending May 26, 1703, contains a charge of payment to Willard of seventy-two pounds, for fourteen months' service, after the rate of fifty pounds per annum, and a further allowance, at the rate of ten pounds per annum, for extraordinary expenses — making a total of seventy-two pounds, which, although stated in the order to be for fourteen months, was really for fourteen months and twelve days; *i. e.*, to November 18, 1702.

Chap. 73. This chapter is from archives, vol. 58, p. 236. It is recorded in council records, vol. VII., p. 354.

The following is Boone's bill, upon which the resolve which constitutes this chapter was based: —

"1702 The Honourable the Representatives of the Province of Massachusetts Bay
To Nic^o Boone Dr
To 100 of m^r Increase Mathers Election Sermons &c. at 1^s . . . 5—0—0."
— *Mass. Archives*, vol. 58, p. 236.

The resolve was passed in the House on the twelfth of November. It was concurred in by the Council on the twenty-first, and consented to by the Governor on the same day.

The order in Council* for the payment of this allowance was passed December 4, 1702, and in the province treasurer's account‡ ending May 26, 1703, the amount was charged as paid to Boone.

Chap. 74. This chapter is from council records, vol. VII., p. 354. It is preserved in archives, vol. 101, p. 232.

The making and emitting of bills of public credit, authorized by chapter 8 of the acts of this year, was first proposed to be done by a resolve. It would seem that the first draught of this resolve contained no provision of a fund for redeeming the bills emitted, nor for an advance upon the face value when redeemed. Upon its being sent to the Council, for concurrence, the Board took action upon it as follows: —

"Nov. 17, 1702. . . Which Resolve being read at the Board, and it being thereupon Observed that no fund was granted for the said Bills nor Advance upon receiving of them Back into y^e Treasury . . .

Ordered That a Message be Sent down to the House to propound the Same; And James Russell, and Nathaniel Thomas Esq^r were directed to Carry the said Message down to the House." — *Council Records*, vol. VII., p. 346.

The following, which appears to be a second draught, was passed in the House of Representatives on the seventeenth of November: —

"Resolved — That speedy and effectuall Care be Taken for the Imprinting of a certain number of Bills of Credit on this Province in suitable sum^s, which in the whole shall amount to the sum of Ten Thousand Pounds and no more.

And That Elisha Hutchinson, Nathaniel Byfield, and Samuel Legg Esq^s be a Committee they or any Two of them, to take care for the Effecting of the Same, assoon as may be, and when Imprinted to sign the said Bills, and Deliver the sum of five Thousand Pounds, and no more to the Province Treasurer, taking his Receipt for the same which Committee shall be under Oath for the faithfull management of the affair afores^d and be Rewarded for their service by this Court.

And the Treasurer is hereby Ordered and Impowered, to Issue forth and Emit the said Bills towards the Uses for which the last Tax was granted which bills shall Passe out of the Treasury at the value therein Expressed, and be Taken and accepted in all publick Payments at the Advance of five P^d C^t the fund for the Repayment of the said Bills to be the Impost and Excise, and what that fall's short [§]

It is further Ordered and Resolved That as a further ffund, for the Repayment of the S^d Bills as also for the Defraying the other necessary growing charge of the Province there be and hereby is Granted unto her majesty a Tax of Six Thousand Pounds to be Levyyed upon Polls, and Estates both reall and personall within this Province, according to such Rules, and in such Proportion upon the severall Towns within the same as shall be ordered and agreed upon by the Generall Court or Assembly of this Province at their next Session which s^d Tax shall be Paid into the Treasurer on or before the last day of Novem^r 1703." — *Mass. Archives*, vol. 101, p. 229.

On the eighteenth, the House sent to the Council this second draught, in which the Board concurred, "with some emendations," "and proposed that it be formed into an act." The minutes of these votes of the Council appear subjoined to the draught of the resolve, as follows: —

"to be digested into An Act.
the Commission^{rs} names not to be inserted
but. 5000^{li} of y^e bills to be Signed
the uses to be exprest
the bills as to y^e wording as the former *mutatis mutandis*.
The Gov^r and Council to project y^e Stamps
m^r Russell one of y^e Commission^{rs}." — *Ibid.*, p. 231.

* Executive Records of the Council, vol. 3, p. 394.

† *Mass. Archives*, vol. 122, p. 165.

‡ *Ibid.*, p. 170.

§ Manuscript mutilated.

To these amendments the House agreed, and passed an order "That Mr Sec̄y be Desired to Draw a Bill accordingly."* On the twenty-first, both branches concurred in the vote which constitutes this chapter and it was consented to and signed by the Governor.

On the same day the bill of the act (which had been agreed upon) not having been sent to the Council, the Board sent a message to the House, to inquire for it. Sergeant and Lynde, the committee charged with this message, returned with the report "that they had delivered their message and recieved answer from the House they were preparing the draught of an address to her majesty to send up first."

The act having been passed, the committee accepted, and were sworn on the twenty-sixth, as appears by the following entry:—

"Nov. 26, 1702. James Russell, Elisha Hutchinson, Nathaniel Byfield, John Leverett & Samuel Legg Esqrs the Committee named and appointed by the General Court for the imprinting and signing of the Bills of Credit, were severally sworne faithfully to intend the management of that affair, and the Trust in them reposed according to the directions of the Act for making of the s^d Bills."—*Executive Records of the Council*, vol. 3, p. 390.

Chap. 75. This chapter is from archives, vol. 58, p. 236. It is recorded in council records, vol. VII., p. 356.

The person to whom an allowance was granted by this chapter was the celebrated "Tutor Flynt" of Harvard College. The resolve which constitutes this chapter originated in the House on the day of its passage. The order in Council,† for the payment of this allowance, was passed December 4, 1702, and an entry in the province treasurer's account‡ ending May 26, 1703, charges the amount as paid to Flynt.

1702-3.

Chap. 1. This chapter is from archives, vol. 62, p. 434. It is recorded in council records, vol. VII., p. 365.

In his speech on the second day of the session of this Assembly, the Governor thus called attention to the condition of the "outwharves"§ of Boston, stretching, in front of the cove, from the South Battery to the North Battery:—

"March 11, 1702-3. . . . I must also Recommend to Your Care the Lines drawn before the Town of Boston, which reach from the Batteries at each point; It was at first a very good projection, and Security of the Harbour, and Town but it is now become a Nusance, and will at length Serve only to destroy the Harbour, and Spoil the Shipping; You will please to Consider either to put it upon the present Owners to repair it, or upon their Submission of it to Dispose it to a New Company, that it may not be a Mischief to us."—*Council Records*, vol. VII., p. 362.

The order which constitutes this chapter originated in the Council on the day the Governor's address was delivered and was concurred in by the House on the day following. For an account of the earlier and later proceedings in regard to the outwharves see the act|| of July 14, 1772, and the note thereto.

Chap. 2. This chapter is from archives, vol. 70, p. 626. It is recorded in council records, vol. VII., p. 366.

The resolve which constitutes this chapter originated in the House, and was passed by both branches and consented to by the Governor on the same day.

The order in Council¶ for the payment of this allowance was passed April 27, 1703, and, in the province treasurer's account** from May 27, 1702, to May 26, 1703, is an entry showing that this grant and the two previous grants of fifteen hundred pounds, each, were paid to Thomas Brattle, one of the committee to lay out said money, "by Ord^r of y^e Govern^r & Council pursuant to s^d Acts of y^e Assembly."

Chap. 3. This chapter is from council records, vol. VII., p. 367. It is preserved in archives, vol. 70, p. 575.

The following is the account referred to in this chapter:—

* Mass. Archives, vol. 101, p. 231.

† Executive Records of the Council, vol. 3, p. 394.

‡ Mass. Archives, vol. 122, p. 167.

§ See note to Province Laws, 1772-3, chapter 6.

|| Province Laws, 1772-3, chapter 6.

¶ Executive Records of the Council, vol. 3, p. 432.

** Mass. Archives, vol. 122, p. 161.

“Octobr 2^d 1702: Charges on ffrench Prisoners rece’d P Order of his Exceley The Governor from Capt Thomas Larrimore, & Capt Tho: Waff viz P their Entertainm^t as follows viz at 3^s P week Each —.

| | | Men | | Weeks. | Days | | | u. | sh. | d. |
|-----------------|------------------|-----|--|-----------------|------------|-------|-----|----|--------|-----------|
| Octobr | 5 th | 1 | ffrancois Pageant | | " - 00 - " | 4 - . | . | . | " 00 " | " 1 " 9 |
| | 7 | 2 | { Adrian Signier Jean Revier | Each | " 1 - " | 0 - . | . | . | £ - " | 6 " 0 |
| | 13 th | " 4 | { ffrancois Truquetil ffrancois Petet. James Baisterd Elie Dupon, | | W D | | | | | |
| | | | | Each | " - 1 - " | 5 - . | . | . | £ 1 " | " 0 " 6 |
| | 14 th | " 2 | { Nicco: Hoga Pierre Garnear | | W D | | | | | |
| | | | | | " - 1 - " | 6 - . | . | . | £00 " | " 11 " 0 |
| | 20 th | " 1 | { Jean Richards | | - 2 - " | 5 . | . | . | £00 " | " 8 " 1 |
| | | .2 | { Pierre Cardenier Jaquas Provost Jean Jeardin | | " 2 - " | 4 - . | . | . | £00 " | " 15 " 6 |
| 9br | 10 th | 3 | { ffrancois Hardy Jean Burnard Jean Nuquetil | | " 5 - " | 5 - . | . | . | £ 2 " | " 11 " 6 |
| D ^{to} | 10 th | " 4 | { Pierre Rogers Pierre Bastard. Jean ffremont | Each | W. | 6 - " | - . | . | £ 3 " | " 12 " 0 |
| | | 1 " | Pierre Asseline | | " 4 - " | - . | . | . | " - " | " 12 " - |
| | | 1 " | Gniliam Toutan | | " 3 - " | 4 - . | . | . | " - " | " 10 " 9 |
| | | 2 | { Pierre Jenovil Pierre Joly | Each | " - " | 5 - . | . | . | " - " | 4 " 2 |
| | | 1 " | Elie Chavilier | | " 1 - " | - . | . | . | " - " | 3 " - |
| Novr | 14 th | | { Jean Cotell Chale Brean Noel ffoqueroxy Jean Bradford Jean Lemaitre Pierre Majure Pierre Garneer ffrancois ffoubert | | W. - D. | | | | | |
| | Is | " 8 | | Each at 3/ P W= | " 6 " - " | 2 - . | . | . | £ 7 " | " 11 " 00 |
| | | | | | | | | | £18 " | " 07 " 3 |

ANDR BELCHER." — *Mass.*

Archives, vol. 70, p. 575.

This account was read, in Council, November 21, 1702, and sent to the House of Representatives. On the thirteenth of March, 1702-3, the resolve which constitutes this chapter was passed, in the House, and, on the fifteenth, it was concurred in by the Council and consented to by the Governor.

The French prisoners were apparently captured by Captain Thomas Larramore, or Larrimer, who by command of Dudley set out on a cruise in July, and returned with prizes in September, and by Captain Waffe of whom less is known.

The order in Council* for the payment of this allowance was passed April 16, 1703, and a charge for keeping French prisoners is one of the items in the account of Andrew Belcher, of the payment of which the province treasurer makes an entry in his account† from May 27, 1702, to May 26, 1703.

Chap. 4. This chapter is from archives, vol. 70, p. 626. It is recorded in council records, vol. VII., p. 367. See resolves, 1702, chapters 34 and 58, and notes.

The order in Council* for the payment of this allowance was passed April 16, 1703. The province treasurer's account‡ from May 27, 1702, to May 26, 1703, contains an entry charging as paid to Brattle and Clarke two hundred and twenty pounds "over & above the Thirty Pounds to each they have already received;"§ and the allowances of eighty pounds, in resolves, 1701-2, chapter 102; seventy pounds, in resolves, 1702, chapter 58; and seventy pounds, under the present chapter, would make just that total.

Chap. 5. This chapter is from archives, vol. 70, p. 621. It is recorded in council records, vol. VII., p. 368.

On the twelfth of March, 1702-3, the day after the delivery of the Governor's speech at the opening of the Assembly, the House sent a message to the Governor, an account of which, with the Governor's reply, is thus recorded by the Secretary:—

"Mr Nehemiah Jewett, Capt Ephraim Savage, Captⁿ Sam^l Phips & Captⁿ Samuel Checkley Members of the House of Representatives Attended his Excellency with a Message from that House to return the Thanks of the House to his Excellency for his Care of the province Since the last general Assembly, And for his Speech made Yesterday to the Council, and Assembly, Desiring that it might be printed.

To which his Excellency, returned Answer he would consider of it." — *Council Records, vol. VII., p. 364.*

The cordial relations between the popular branch of the Legislatnre and the Governor are still further manifest in the passage of the order which constitutes this chapter, the occasion whereof appears in the following extract from the records of the Council:—

* Executive Records of the Council, vol. 3, p. 426.
 † *Mass. Archives*, vol. 122, p. 168.
 ‡ *Ibid.*, p. 165.
 § Resolves, 1701-2, chapter 75.

"March 16, 1702-3. His Excellency Communicated to the Council a Letter received from Richard Waldron Esq; giving an Account of the Behaviour of the Indians that was lately in at Cochecha, And the Jealousy he had of Some ill designe intended by them. And his Excellency proposed his Intention of Sending two Companies of Soldiers to the Number of One hundred Men to Appear in the Eastern Country and to march between Wells, Saco, and Casco Bay, and on the Head of the Frontiers to Haverhil, to Secure, the English in Case the Indians should be debauched by the French to rise, And to Cover and Secure the Indians against the Insults of the French for their fidelity, and Steadiness to the English in Keeping their Articles lately made

And John Hathorne, and Nathaniel Thomas Esqrs were Sent on a Message to the Representatives to Acquaint that House, with the s^d Affair." — *Ibid.*, p. 368.

Chap. 7. This chapter is from archives, vol. 70, p. 627. It is recorded in council records, vol. VII., p. 371. See the note to resolves, 1704-5, chapter 83.

Chap. 8. This chapter is from council records, vol. VII., p. 371. It is preserved in archives, vol. 40, p. 769.

This chapter is based on the following petition: —

"To his Ex^{ty}; the Gov^r; the Hon^{ble} Council & Assembly in Gen^l; Court Convened —
The Humble Petition of Sam^l: Gibson of Cambridge

Sheweth —

That whereas the Great & General Assembly at their late sessions at Cam^r; was pleased to receive the Humble Petition of Sam^l: Gibson afores^d; to be heard upon the grievances set forth in s^d: Petition, And your s^d: Petitioner not having been advised when to attend upon this Hon^{ble} Court to be heard — Wherefore the s^d: Sam^l: Gibson prays that he may be Inform^d whether he may be heard upon y^e: matters & things Contained in his Petic^{on} afores^d: or that he may have a day Assigned to him in the next session of this High & Hon^{ble} Court, that he may accordingly demean himselfe

And so yor: Humble Petition^r; as in Duty bound shall ever Pray &cæt

SAM^l: GIBSON." — *Mass.*

Archives, vol. 40, p. 769.

This petition was read, first, in the Council, and the resolve thereon passed in the following form: —

"Read, and appointed a hearing on the second Wednesday of the General Assembly in May next, the Pet^r to Notify the Adverse party." — *Ibid.*

Upon being sent to the representatives, the resolve was immediately concurred in, and was consented to by the Governor on the same day. The Secretary, when he made up his records, recast it in the form in which it appears in this chapter.

See resolves, 1702, chapter 48, and note.

Chap. 9. This chapter is from archives, vol. 70, p. 628. It is recorded in council records, vol. VII., p. 373.

The resolve which constitutes this chapter originated in the House on the day of its passage.

Chap. 10. This chapter is from council records, vol. VII., p. 373. It has not been found in the archives.

The memorial (or "proposals"), by Chalkhill, has not been found, but the substance of it appears in the preamble to this chapter, and, more particularly, in the following entry in the records of the council: —

"March 17, 1702-3. A Memorial of William Chalkhill, One of the Monyers of Her Majesties Mint in the Tower of London now resident in Boston proposing That if the Government think fitt, He would undertake to bring over hitherto Ten Thousand pounds in Copper Money, at Such prizes and Values as shall be Agreed upon, was Sent up from the House of Representatives, and read." — *Council Records*, vol. VII., p. 370.

On the twenty-sixth of March the committee appointed by this chapter made a report, as shown by the following record: —

"March 26, 1703. The Report of the Committee upon the proposals Offered by Mr William Chalkhill, was brought in by John Walley Esq^r Chairman and read, and laid upon the Table, The said report being in favour of an Agreement for £5000 only and y^e in pence." — *Ibid.*, p. 378.

The House having asked to be allowed to know the contents of this report, it was sent to them, on the twenty-seventh, whereupon they passed a resolve, the contents and the fate of which are shown in the following entry: —

"March 27, 1703. The Report of the Committee upon the Proposals offered by Mr William Chalkhill for Furnishing of the Province with small Money of Copper was sent down to the Representatives at their Desire, & return'd again from that House with their Resolve thereupon; Viz,

That the Report of the Committee be Accepted, And John Walley Andrew Beleher & Samuel Legg Esqrs & Cpt. Samuel Checkley be appointed & Impowered a Committee forthwith to draw Articles of Agreement with the said Mr Chalkhill accordingly, And the Covenants & Engagements of the said Comm^{tee} in this Affair shall be ratified and made good by this Court;

W^{ch} Resolve being read at the Board, & the Question put, for Concurrence It was not Consented to, But refer'd to Consideration at the next Court, if then Offered." — *Ibid.*, p. 381.

No further action on this report has been discovered.

Chap. 12. This chapter is from council records, vol. VII., p. 377. It is preserved in archives, vol. 70, p. 557.

This chapter is based upon the following petition : —

"To the Hon^{le} his Maj^{ties} Councill, and Represent^{ys} assembled in Gen^l Court at Boston, May y^e 27th 1702: The petetion of Daniell Smith of Charlstⁿ in y^e County of Midd^x in y^e province of the Massatusets Bay, Gunsmith —

Humbly sheweth —

That in y^e month of Novem^r in y^e Yeare 1688 when Sr Edmond Andrews had caused a detachment of soldiers for an Exspedition Eastw^d, his Exelencye caused som of them to Rendezvous at Charlstⁿ, and was pleased personally to take a Vew of their arms and finding many of them defectiue, ordered Your Hon^{rs} petitioner to mend y^m: and what y^t would not do, to supply with new ones, and Ordered Captⁿ Sprague to Impress som, as by Captⁿ Spragues test: in court, and y^e arms y^t were mended was by y^e Maj^{rs} Warrant which is also here, I aplied my selfe to y^e Hon^{le} comitte for Sr Edmonds Arrears, and y^y haueing no ord^{rs} about arms could not medle with y^t matter, — I was directed to apply my selfe to your Hon^{rs}, for Your petr hath been out of his money a great While y^e acct^s ly before your Hon^{rs}, of Which he liath not Recd on peney,

Now Humblye prays your Hon^{rs} y^e premises, and order him y^e payment of what may be found due, out of y^e publick treasury of this province —

So shall Your petet^r Ever pray &c." — *Mass. Archives*, vol. 70, p. 556.

This petition was read, first, in the House, June 5, 1702, and, apparently, after having been committed, the following resolve was passed thereon, on the eighth, and sent to the Council, for concurrence : —

"Resolved — That the Sum of four Pounds be Allowed and Paid out of the Publick Treasury to the Petitioner, besides what he can obtain of the Persons for whom he mended Arms." — *Ibid.*, p. 557.

No action thereon having been taken by the Council, the resolve was revived during the present session and passed by the House on the twentieth of March, 1702-3. It was concurred in by the Council and consented to by the Governor on the twenty-fifth.

The following is the "major's warrant," in the time of Andros, referred to in Smith's petition : —

"To the Gunsmiths in Charlestowne

You & every of you are in his Maj^{ties} Name required forth with to repaire all such defects as shalbe found in the fire Armes of any of the Souldiers now Listed & drawne up in Armes in this Towne under the Command of Captⁿ Noah Wiswall for his Maj^{ties} service, and see that they be every way well fixed for service; and make a returne to me of the Names of y^e persons & the repaires made upon their Armes respectively that care may be taken for your satisfaction accordingly. hereof you are not to faile at your peril. Given under my hand & seale this 8th day of November 1688: & in the 4th yeare of his Maj^{ties} Reigne.

Jo WADE major." — *Ibid.*, p. 558.

Smith's account of guns repaired by him under this order is as follows : —

"By Vertue of an order under y^e Hand & seal of Major Jonathan Wade Dated y^e 8th day of Novem^r 1688. & in y^e fourth year of his Mat^{ties} Reigne — for Repairing Locks guns, stocks. & other necessaryes belonging to an Armourer having particularly every mans name & worke annexed hereunto.

| | <i>li</i> | <i>s.</i> | <i>d.</i> |
|---|-----------|-----------|-----------|
| Sam ^l Snow for mending a lock | 00 | 01 | 06 |
| James Lowdens man for mending a Lock | 00 | 01 | 00. |
| Rich ^d Adson for mending a Lock | 00 | 02 | 00. |
| Nath ^l Nicholds for mending a Locke | 00 | 01 | 00. |
| James Fowle for mending his gun | 00 | 01 | 00. |
| Benj ⁿ Austin to mending a gun | 00 | 03 | 06. |
| Chevers for mending his Lock | 00 | 01 | 00. |
| Weymans man gun mending | 00 | 03 | 00. |
| Will ^m Dean for mending a gun | 00 | 01 | 06. |
| Convers mans gun mending | 00 | 01 | 00. |
| Jacobs Herds man gun mending | 00 | 01 | 06. |
| Tayler mans gun mending | 00 | 01 | 06. |
| Clelands musket mending | 00 | 03 | 06. |
| Jonathan Wensteds gun mending | 00 | 02 | 06. |
| Abraha ^m Chambell gun mending | 00 | 03 | 06. |
| Jonathan Parker gun mending | 00 | 04 | 00. |
| James Baylis gun mending | 00 | 03 | 00. |
| Robt. Metope gun | 00 | 02 | 06. |
| Nath ^l Hollands gun mending for mending gun | 00 | 02 | 00. |
| Corn ^t Hammonds man for gun mending | 00 | 01 | 06. |
| Mathew Symths for gun mending | 00 | 01 | 06. |
| Ebenezer Johnson for gun mending | 00 | 01 | 06. |
| W ^m Court for gun mending | 00 | 01 | 00. |
| Sain ^l Cutler for gun mending | 00 | 04 | 00 |
| Robt Miria ^m for gun mending | 00 | 03 | 00 |
| Jno Merry for gun mending | 00 | 01 | 06. |
| To two guns presst by Capt ⁿ Sprage | 02 | 05 | 00. |
| To y ^e Exchange of 4 Guns by Capt ⁿ Spargg's* order | 01 | 12 | 00. |
| To armes fitted for Capt ⁿ Cutlers souldiers | 00 | 08 | 09 |

£07 03 00

DANIEL SMITH." — *Ibid.*,

p. 559.

With his pention Smith filed the following certificate : —

* *Sic.*

“These may Certifie whome it doth concerne That in the Eighth day of Nouember 1688 A Military company vnder the Command of Leint^m Nathaniell douse being drawne vp and ready to march Eastward in the Countreys Service Against the Indians, Sr Edmond Andrews Came ouer to Charlstowne and veiued theire arms and found severall firearms Defectine and vserviceable, and ordered mee the subscriber to proenre forthwith six well fixt Musketts pursuant to Sr Edmond Androns order I tooke foure new Muskets out of Mr Daniell Smiths shop which were disposed of among the souldiers in leiw of those that were defectine ginen vnder my hand this 7th day of October 1701

RICHARD SPRAGUE

NATHL^l Dows att^t the truth of the above Written.” — *Ibid.*, p. 560.

The order in Council* for the payment of this allowance was passed April 16, 1703, and by the province treasurer’s account† it appears that it was paid.

Chap. 13. This chapter is from council records, vol. VII., p. 380. It is preserved in archives, vol. 101, p. 238.

The following is the account of disbursments mentioned in the preamble to this chapter: —

| Province of Massathussets Bay is | | Dr = | |
|--|-----------|---------------|-------|
| | | li. | s. d |
| To Sundry disbursments by James Russell — Elisha Hutchison Nathaniel Byfield Jno Lenerett & Sam ^l Legg being A Committe appoynted (by the Gen ^l Assembly held At Cambridge Octobr 15. 1702) To make Bills of Credit for the Said Province According to their Act viz | | | |
| 6 Copper plates at 12s 6 ^d | | 3 | 15 0 |
| To m ^r Jn ^c Conny for graueing 3 plates | | 30 | 0 0 |
| | | <hr/> | |
| To John Brew ^r makeing a Roleing press | | 9 | 0 0 |
| To m ^r Goold for 2 Brasses | | 0 | 16 10 |
| To Armes for the press | | 0 | 10 00 |
| To Jabez Salter & Iron work 38s a Gudgen 30 | | 3 | 8 0 |
| | | <hr/> | |
| | | £.13 14 10 | |
| To m ^r Sam ^l phillips 4 Ream Larg pap ^r at 66s p ^r ream | | | |
| To m ^r Jos Allen for printing 3200 plates at 1½ Each | | 13 | 4 0 |
| To wages for men hired | | 20 | 0 0 |
| To house Rent 2 moths from 1 ^t January | | 8 | 18 4 |
| To an Iron Grate wood Cole blacking & expences | | 2 | 0 0 |
| | | <hr/> | |
| | | £.4 1 7 | |
| | | <hr/> | |
| | | £.95 13 9 | |
| To the Abonesd Committees Time in makeing bills deliuered to y ^e Treasurer As p ^r his Accompt & receipt | | | |
| | | 5000 00 0 | |
| More of Said Bills printed & remaining in the Committees hands | | | |
| | | 5000 00 0 | |
| | | <hr/> | |
| | | £10000: 00: 0 | |
| JA: RUSSELL ELISHA HUTCHINSON NATHAL BYFIELD JOHN LEVERETT. SAMLL LEGG.” — <i>Mass.</i> | | | |

Archives, vol. 101, p. 238.

This account was read in Council, on the seventeenth of March, 1702-3, and the vote of thanks included in this resolve was thereupon passed, and sent down for concurrence.

On the twenty-second, the account and resolve were read in the House, and, on the twenty-sixth, the resolve was passed, in concurrence, and a further resolve for granting the allowance was passed and sent to the Council, for concurrence. It was concurred in by the Council, on the twenty-seventh, when both resolves were consented to by the Governor. In making up his records, the Secretary combined these resolves, as seen in this chapter.

The order in Council‡ for the payment of this allowance was passed April 16, 1703, and the province treasurer’s account§ shows that it was duly paid.

Chap. 14. This chapter is from council records, vol. VII., p. 380. It has not been found in the archives. See Province Laws, 1702, chapter 8, and resolves, 1702, chapter 74, note.

Chap. 15. This chapter is from council records, vol. VII., p. 381. It has not been found in the archives. See references in note to chapter 4, *supra*, and resolves, 1702, chapter 34, and note, and the foot-note to the present chapter.

Chap. 16. This chapter is from council records, vol. VII., p. 381. It has not been found in the archives.

The following entry in the council records explains the foundation of Minot’s claim: —

* Executive Records of the Council, vol. 3, p. 426.
† Mass. Archives, vol. 122, p. 169.
‡ Executive Records of the Council, vol. 3, p. 425.
§ Mass. Archives, vol. 122, p. 167.

"March. 10, 1702-3. His Excellency Communicated to the Council the Applications, made to him in writing by Some Considerable Number of the Members of this Court; That the Court might Sit at Cambridge, or elsewhere, as his Excellency should think fit, They being fearful to Come to Boston. by Reason they have not had the Small pox, and come fresh out of the Country; That Distemper having lately prevailed much in Boston, and the Town not yet quite Clear thereof

And his Excellency further Acquainted the Council That the House of Mr Stephen Minott, in the Occupation of John Walker Situate at the further End of Boston neck, remote from the Body of the Town had been proposed to him, as Commodable to Entertain the Court; And Sent for Mr Minot to enquire of him thereabout, And Desired John Walley, and Penn Townsend Esq^{rs} to Informe the Representatives now mett at their Chamber thereof And with One or More of the representatives, to view the Accomodations of the said House, Directing Mr Minott to attend them and to See that Suitable Tables, and Chairs for the Courts Sitting be provided." — *Council Records, vol. VII., p. 359.*

The order in Council* for the payment of this allowance was passed April 16, 1703, and the province treasurer's account† shows that it was duly paid.

* Executive Records of the Council, vol. 3, p. 426.

† Mass. Archives, vol. 122, p. 169.

ERRATA.

Page 53, title of chap. 15, for "Southfield," read "Suffield."

" 65, title of chap. 52, for "province," read "colony."

" 98, title of chap. 69, add to the title, as printed, "and for the future maintenance of the North-River Bridge."

" 108, title of chap. 2, for "May 7," read "May 27."

" 110, title of chap. 7, for "1692," read "1693."

" 110, title of chap. 9, substitute, "Order directing the justices of the Court of Sessions for the county of Bristol and the selectmen of the town of Bristol for the year 1695, and the justices of the Inferior Court of Common Pleas for Martha's Vineyard, to appear and answer, respectively, to the complaints of John Wilkins and Nathaniel Oliver; and requiring the complainants to be present at the hearing."

" 143, title of chap. 78, for "Sewell," read "Sewall."

" 160, title of chap. 28, for "town," read "parish."

" 267, title of chap. 67, for "Stutson," read "Stetson."

" 277, title of chap. 96, for "Middlesex," read "Suffolk."

Pages 290 and 337, titles of chaps. 14 and 5, for "Purchase," read "Purchis."

Page 309, foot-note, substitute for the words in brackets, [*i. e.* of the Castle, Hutchinson].

" 318, title of chap. 80, for "Hale," read "Hall."

" 333, James Coffin should have been entered in the Secretary's list as deputy from Nantucket.

" 362, title of chap. 74, insert "print," before "sign."

" 378, line 5, for "June," read "January."

" 384, chap. 3, line 7, for "Grandville," read "Grandval."

" 386, line 53, for "first," read "second," and in line 54, for "twenty-sixth," read "twenty-third."

" 452, chap. 38, add the following to the eighth paragraph: "save that the province treasurer paid Mather one hundred pounds, April 14, 1693, for which the Council ordered a warrant to issue on the sixth of June, following."

• " 507, line 10, for "Eams," read "Emes."

" 559, foot note ‡, for "p. 120," read "p. 126."

" 696, line 8, for "fifth," read "first."

" 702, line 17, for "June 1," read "June 11"

" 732, chap. 56, second paragraph, strike out all after "Boston," and insert, "Coffin who is called 'John' in the Council Records, and 'James' in the archives and in the Executive Records of the Council, appears to have been James of Nantucket whose name is not included in the Secretary's list. He certainly represented Nantucket in 1700-1, and probably in the year 1702, although from the loss of the town records and of the list of subscribers to the qualifying oaths the fact cannot be established by the documentary evidence usually relied upon" See chap. 24.

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